

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Wednesday, September 19th, 2018

- I. Call to Order** (5:00 p.m. at City Hall Conference Room 224)
- II. Roll Call** (Don Etheridge, Bob Janes, Budd Simpson, David McCasland, Dan Blanchard, Jim Becker, Bob Wostmann, Mark Ridgway and Weston Eiler.)
- III. Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED
- IV. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total)
- V. Approval of Wednesday, August 22nd, 2018 Operations/Planning Meetings Minutes**
- VI. Consent Agenda** - None
- VII. Unfinished Business** - None
- VIII. New Business** - None
- IX. Items for Information/Discussion**
 - 1. ByLaws Revision Review
Presentation by the Port Director

Committee Discussion/Public Comment
 - 2. Title 85 Revision Review
Presentation by the Port Director

Committee Discussion/Public Comment
 - ~~3. Downtown Waterfront Improvement Update~~
~~—— Presentation by the Port Engineer~~

~~Committee Discussion/Public Comment~~
 - 4. Strategic Implementation
Presentation by the Port Director
<http://pccharbormasters.org/wp-content/uploads/2016/09/Boating-Trends-Paul-Sorensen.pdf>

Committee Discussion/Public Comment

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X. Staff & Member Reports

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, October 17th, 2018.**

XII. Adjournment

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I. Call to Order

Mr. Ridgway called the meeting to order at 5:02 p.m. in City Hall Conference Room 224.

II. Roll Call

The following members were present: Bob Janes, Budd Simpson, David McCasland, Dan Blanchard, Jim Becker (arrived 5:23pm), Weston Eiler (via phone), and Mark Ridgway.

Absent: Don Etheridge

Also present: Carl Uchtyl – Port Director, David Borg – Harbormaster, Matthew Creswell – Deputy Harbormaster, and John Osborn – Harbor Operations Supervisor.

III. Approval of Agenda

Mr. Uchtyl said he deleted Unfinished Business #3 Vessel Salvage and Disposal. We have not advanced it far enough to bring it to the Committee's attention at this time.

MOTION By MR. SIMPSON: TO APPROVE THE AGENDA AS AMENDED AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items - None

V. Approval of Wednesday, July 18th, 2018 Operations/Planning Meetings Minutes

MOTION By MR. SIMPSON: TO APPROVE THE JULY 18th, 2018 MEETING MINUTES AS PRESENTED AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

VI. Consent Agenda - None

VII. Unfinished Business

1. Auke Bay Boatyard Lease

Mr. Uchtyl said this is the proposed language that's working it's way through the CBJ Law Department (Law). This is version five. It's ready to go to the Assembly with minor tweaks from Law. He is asking the Committee today and the Board next week to approve the language

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assuming no substantive changes. This is a ten year lease arrangement with Harri Commerical Marine. We had Horan and Associates conduct an appraisal. It was appraised at \$36,000. Harri Commercial Marine submitted an operations plan which is attached in the packet. We have added a couple of paragraphs with a desire to see the maintenance records of all the equipment that Harri Commerical Marine is responsible for: the sealift (self-propelled hydraulic boat lift), the washdown pad, and 125 portable boat stands. Another requirement we want is for Harri Commerical Marine to provide the SWPPP on a yearly basis so we can keep track of any changes at the Auke Bay Boat Yard. It's ready to move forward as soon as Law can do a final review. If there are substantive changes that Law points out, Mr. Uchytel will bring this back at a later Board meeting. The lease expired in April and things are moving too slowly.

Committee Questions

Mr. Ridgway asked what the blank attachment on the insurance item will be?

Mr. Uchytel said it will be insurance that indemnifies the City and places Docks & Harbors as a secondary insured to the policy. CBJ Risk will define that. It will probably be \$1 million.

Mr. Ridgway asked if a \$1 million liability policy is standard?

Mr. Janes said yes, all across industry with companies that work together.

Mr. Simpson asked if the sub-sections being added have been vetted by the current operator?

Mr. Uchytel said he has sent everything to Law and Mr. Duvernay and he has heard no objections.

Mr. Janes said he assumes staff has been there when the sealift is operating and has looked it at carefully when needed. He asked what the condition of the machine is now?

Mr. Creswell said we had one of our harbor boats pulled with it recently. He hasn't done an inspection on the Sealift, but it seems to be working fine.

Mr. Borg said we had it checked out prior to transferring it to them by the actual Sealift mechanic. We flew him up, he went through and gave them training and got a clean bill of health, an actual written report on the status of that piece of equipment.

Mr. Janes said that's good as long as the training is passed on. We don't have anything in the lease that addresses training. There should be maintenance and training records on operators that are par to the owners manual.

Mr. Uchytel said we haven't required that in the past for the Marine Lift and typically we don't dictate the means and methods of the contractors that we lease our equipment to. We could do it, it's just something we haven't done in the past. We don't make sure that welders are certified on site and all these other things he suspects we could if we wanted to go down that path.

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Mr. Janes said it's a valuable piece of equipment and we should consider making sure that equipment is treated with the protocols that are necessary. If somebody was looking at getting out of a lease, they could stop maintaining it. He will leave it to staff to decide.

Mr. Ridgway asked if Mr. Uchytel asked CBJ Risk if \$1 million is a good threshold for the liability? He's seen very expensive boats fall out of lifts. A lower level of liability might tie into a need for additional requirements including training certificates.

Mr. Uchytel said Law and Risk put together the language about the commercial general liability insurance. He can go back and make sure Risk thinks this is appropriate for the work that's employed there.

Mr. Ridgway asked Mr. Uchytel to take a look and amend it as needed then bring it to the next Board meeting for approval.

Public Comment- None

Committee Discussion/Action

MOTION: TO APPROVE THE LANGUAGE OF A NEW 10-YEAR AUKE BAY BOATYARD LEASE TO HARRI COMMERCIAL MARINE SUBJECT TO STAFF REVIEWING THE INSURANCE REQUIREMENTS AND TRAINING AND REPORTING BACK TO THE FULL BOARD NEXT WEEK AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

2. Donation of 65 foot Gangway

Mr. Uchytel said last month Rotarian Kim Keifer made a request on the behalf of the four Rotary clubs and Rotaract for the donation of a 65' gangway that was previously used as an ADA required ramp along the seawalk. In January we completed a project to taper that seawalk portion and the gangway is no longer necessary. Right now it is excess to the needs of Docks & Harbors. The project in the Lemon Creek DZ area is a joint project between Rotary, Trailmix, and CBJ Parks and Rec. At the beginning of last month, this body was asking about the process to donate property. He did consult with Law and they provided him the code language that says the City Manager can approve transfers to charitable organizations up to \$50,000. Once we determined that Parks and Rec was a partner in this, the recommendation was to do an interdepartmental transfer to Parks and Rec. A new gangway of this size would be valued between \$40,000 and \$50,000. This gangway is approximately 15 years old and in excellent shape. Just to be transparent, he did receive an offer this week for \$20,000 that an organization said they would pay for it.

Committee Questions

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Mr. Ridgway said that does change our last view of this.

Mr. Simpson said in today's paper he noticed Trailmix had suffered a significant theft of materials that's going to set them back on an unrelated project. It is the same non-profit organization we are attempting to support here, and he still supports the donation.

Erik Boraas, Executive Director of Trailmix, Juneau, AK

Mr. Boraas said it's rough. They had bridge materials stolen for the Treadwell Ditch Trail and there's nothing they can do about it.

Mr. Ridgway asked Mr. Uchtyl if there are any other details on the offer to purchase?

Mr. Uchtyl said it was from Drew Green, he was supposed to be at the meeting tonight.

Public Comment

Mr. Boraas said they are excited to have this opportunity. The majority of the money for the improvements to the trails by DZ have come from the Rotary Club. The City has given \$10,000. If Docks & Harbors is willing to donate the gangway, it will be a clutch part of that project. They won't be able to do it without that. They'll have to raise more money. If it's not going to be used they would love to have it. They have already made plans with CBJ Streets to get it installed. He thanked the Committee.

Committee Discussion/Action

Mr. Uchtyl said they are ready to move this weekend. He asked what it will do to their schedule if it's another week before it is approved by the full Board?

Mr. Boraas said they are prepared to move the gangway tomorrow morning. Rotary has planned a volunteer event on Saturday, so if they can get that gangway in as soon as possible they can double their efforts on actually building the trail.

Mr. Simpson said there are seven of eight members of the Board present. They are voting to do this. He doesn't want to slow them down because of a technicality.

Mr. Ridgway said since we are transferring this to another entity within the City, Parks and Rec may be able to move it more swiftly than our Board meeting next week.

Mr. Borg said he can call Parks and Rec tomorrow and make the arrangements.

MOTION By MR. SIMPSON: TO TRANSFER THE FORMER 65 FOOT ADA RAMP TO CBJ PARKS & RECREATION FOR THE PUBLIC USE IN LEMON CREEK AND ASKED UNANIMOUS CONSENT.

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Motion passed with no objection.

~~3. Vessel Salvage and Disposal—05 CBJ 40.010(g)~~
~~——Presentation by the Harbormaster~~

VIII. New Business

1. Cancellation of ATS 123 Lot 2 Lease

Mr. Uchytel said we have a lease called Nowell Avenue Development, which is a Trucano enterprise. This is ATS 123 Lot 2. Trucano assumed the lease in the mid 80's, kept it until 2004, turned back the lease, and then in 2013 leased it from us again for about \$2,200 a year. Now he wants to cancel the current lease because the property is encumbered with easements from AEL&P, there is a ADOT right of way, and there are overhead powerlines. There is a cancellation and forfeiture clause stating that "the lease, if in good standing (which it is), may be cancelled in whole or in part, at any time, upon mutual written agreement by Lessee and CBJ." The Board could deny the request to return the lease, but Mr. Uchytel's experience is that we try to remain in good standing with out constituents.

Committee Questions

Mr. Eiler asked if Trucano also has leases to the left of the parcel? What is the ownership of that area?

Mr. Uchytel said it is kind of a donut hole. There are several lot lines. The electrical distribution center is on the ADOT right of way. When the bridge was completed in 1980 that required AEL&P to relocate power lines. Trucano has a triangular shaped parcel that he leases from us. He also has his yard. It's all AEL&P, Trucano, or ADOT right of way.

Mr. Ridgway asked when people are cancelling a lease upon which improvements have been made, do we ever do surveys to ensure those improvements are not a potential liability for us?

Mr. Uchytel said we very rarely close out leases. The ordinance allows for the right of first refusal to renew and most lessees want to continue the lease. This is a difficult parcel to develop. There are probably no improvements built here. Either in the lease itself or in ordinance it says improvements can be removed by the lessee or if not it reverts back to the lessor. He has not had to deal with that. Maybe we should go in and see if there is any hazardous waste that has been generated there. Typically we don't do it because it's a relatively rare occurrence.

Mr. Ridgway asked if there have been other leases where the lessee has desired to cancel the lease ahead of schedule and what has been the past reaction of the Board?

Mr. Simpson said he remembers a couple of instances like that and the Board accepted, in these cases they were reductions in the square footage of a lease.

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Mr. Uchytel said Goldbelt recently gave back the corner of the the parking lot near the Seadrome Building. They couldn't find a use for it so we did take back that lease. Now we lease that out for parking to Allen Marine.

Mr. Janes said he is not against giving this lease up right now. He does think for this lease and any other leases in the future, we should have an inspection of the property, maybe a professional environmental report.

Mr. Simpson said the point is well taken because things like that happen. He suggested staff do a visual inspection to see if it appears there is anything on this that needs to be checked. He doesn't see the Board or the former lessee spending thousands of dollars on a parcel where there is no reason to think there is a problem. He suggested that in the consensual termination document they indemnify us if at some later time it turns out that there is a problem.

Mr. Ridgway asked if he is hearing a request for staff to look at adding a clause requiring some level of inspection for future leases?

Mr. Janes said we could add that. He thinks we should do a quick visual inspection. If we want it to be policy in the future, something like that should be on the lease.

Mr. Borg said he drove by the parcel today and it looked perfect.

Public Comment- None

Committee Discussion/Action

MOTION By MR. MCCASLAND: TO ACCEPT THE CANCELLATION REQUEST FROM NOWELL AVENUE DEVELOPMENT, LLC FOR LEASE OF ATS 123 LOT 2 AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

2. Purchase Option of Boat Shelter (AF-026)

Mr. Uchytel said in ordinance, there is a requirement that any time somebody has a boat shelter for sale, the Board has the right of first refusal to purchase it. Over the years, previous Boards have said they have no intentions of buying boat shelters at this time, and given the Port Director authority to communicate that to the owners with the expectation he would come back to the Board and inform them. Typically they run for \$35,000 each half.

Committee Questions

Mr. Eiler said he thinks the way the Board has been handling this is fine, delegating that authority to the Port Director. He asked staff to compile a report showing what the turn over of

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those shelters has been. In his two years on the Board, 7-10 of them have sold. If we look at the long term plan for that area, that might be something we want to track.

Mr. Becker asked if we are in the business of accumulating these shelters or are we wanting to inspect that it's suitable? What is the reason for our right of first refusal?

Mr. Uchytel said one possible explanation he's heard is when the State owned the harbor, shelter owners had this defacto tideland lease. It was not authorized under State ordinance or statute that people had these privately owned structures but they placed them over State tidelands. A work-around was the State would be able to purchase them as they sold in the future to resolve that issue. When the State transferred the harbors to the City in 2002, he thinks they just transferred the policy that ADOT was using. They still don't have a tideland lease. It is weird having private structures over our tidelands without any type of lease. The only additional fee they pay is a \$0.13 per square foot boat shelter surcharge per year.

Mr. Simpson said with the big rebuild we just did in Aurora Harbor, we went to a lot of extra expense and trouble moving those shelters around and building floats that were suitable to hold the shelters. It's not free to us that those shelters exist there and he thinks if over the years when these purchase options have come up we had been acquiring them, we could have actually gotten rid of most of the shelters during the rebuild and we'd probably be better off. We don't have funding to do that. There is one for sale right now for \$25,000 for a half shelter. It's not that much money in the scheme of things. He's not suggesting we buy this one, but in retrospect it would have been nice if we had been acquiring them and getting them off the system.

Mr. Ridgway said in addition to the expense of moving them, he doesn't know if it's the most efficient layout of the fingers on the dock. He asked if Docks and Harbors wanted to repurpose the area currently occupied by boat shelters, could the Board just say leave? He doesn't believe there are lease terms. What would that entail?

Mr. Uchytel said he doesn't know if we would offer to buy them out or if it would be some kind of eminent domain process. CBJ Attorney Robert Palmer has suggested we should have an individual lease with each of the 21 different shelters. It gets weird because there are shelters with two owners. We've had people call and say they just bought half a boat shelter and they don't know who the other half owner is. People do interesting things with boat shelters.

Mr. Ridgway said we wouldn't need the shelters themselves. In his mind, we wouldn't buy the shelters, we would tell people to move their shelters.

Mr. Uchytel said he doesn't know what that would look like to say we have decided the best interest of the harbors is to evict the shelters.

Mr. Janes said those shelters are going to continue to depreciate. He fears a fire in one of them spreading through them. He feels that our relationship with the shelters is not a good one right now. We need to clean them up. He doesn't know if the revenue we're getting is what we should be getting. He doesn't know if the liability language is up to date. It would put a big part of our

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harbor into disrepair if one of those caught fire on a windy night and it went down the lines. He thinks with their shelf life going down we should be addressing a way to decommission them—buy them back, consider them not safe, we need a policy for that because they’re going to get older every day.

Mr. Becker said a few years ago one collapsed on the boat and across E float it caused his son’s boat to go down partially and the boat next to his. We might research how the City handled that situation. Trucano went in with a crane and lifted the thing but it was down for a long time. It was snow load that actually made it go down. If they’re not maintained those things can rot away just sitting there.

Mr. Eiler said he has no problem with private ownership of the boat shelters, noting they are a unique feature among Southeast Alaska harbors. He thinks the Board should consider their future in it’s long term planning. If a substantial portion of the shelters are frequently changing ownership or falling into disrepair, that might present an opportunity to enhance this section of Aurora Harbor. Acquiring shelters on a selective basis, where there’s not an interested private buyer, might be worthy of consideration in the future. Purchased shelters could be brought up to code, leased out, and eventually replaced with modern covered moorage when current the structures have reached the end of their useful service life. He said that’s a bigger concept than the Board should pursue at this time, but that tracking the turnover and condition of the shelters would provide a future board valuable information. He noted that no public harbor in Southeast Alaska provides covered moorage, and that adding that to Juneau’s harbors would create a very attractive asset.

Mr. Ridgway said he is a very happy occupant of a boat shelter and when he noticed one might be for sale he was very interested in it. He doesn’t believe that qualifies as a need for him to recuse himself. He believes he is in the exact same boat shelter Mr. Becker mentioned because it has sunk at one point and you can tell it was under water for some time. That said, he would take Mr. Eiler’s suggestion and Mr. Janes’ comments and combine them into a request of staff to take a look at the issue and what is the long term plan for it.

Mr. Uchytel said we had several meetings with boat shelter owners for Aurora Phase II. He thinks the Board is underestimating the passion a lot of boat shelter owners have with their private property. He broached the subject of requiring them to be sprinkled. We can have those meetings, but they will not be pleasant Docks & Harbors Board meetings when we start dictating what to do with property that’s in private ownership. We also went through great expense. Basically Aurora Harbor Phase II was to accommodate the boat shelters. We invested \$4 million into greatly enhancing the serviceability of the boat shelters with increased electrical power, all the floats, we even extended an entire fairway by 10 feet so we vastly improved the saleability of the facilities. We moved the boat shelters apart, we made the lengths of the mainwalks longer. He will do the will of the Board but we spent a lot of money. This discussion should have been two years ago about what we want to do with boat shelters, not six months after we’ve completed a major recapitalization project. He does not want to move the shelters from one float to another. That’s a disaster waiting to happen. We moved them, held our breath, worked with the contractor to be as careful as possible, and we don’t want to move these things again.

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Mr. Ridgway said when he said combine the items that Mr. Eiler and Mr. Janes discussed he heard three ideas: 1) Maybe get some data. 2) The infrastructure is aging and they're aging themselves out. 3) Unique aspect to our harbor. We also just spent \$4 million to make it super nice for boat houses. Thinking of all that and inclusive of that, he believes the request for staff would be to look at whether there is any sort of long term aspect of the boat shelters being in Aurora that we should look at? We just recapitalized the harbor, they're not going to go anywhere soon, the people who are in them are very passionate because they are awesome. It's a difficult issue, there are a lot of folks involved. He doesn't think anyone on the Board is suggesting we get rid of them next week. Mr. Janes had a point that they are aging. The \$0.13 per square foot doesn't pencil out when we're talking about a \$4 million recapitalization project and all the effort that went into it. We're realizing that they do sink and they come with special issues but also maybe a special attraction to our harbor. He requested a little bit of data on what the turnover rate is and a small information package on that issue, a one-pager tops.

Public Comment- None

Committee Discussion/Action

MOTION By MR. JANES: THAT THE BOARD WAIVE IT RIGHT OF FIRST REFUSAL TO PURCHASE BOAT SHELTER AF-026 OWNED BY WILLIAM EDGAR & LINDA LANE AND ASKED UNANIMOUS CONSENT.

Motion passed with no objection.

IX. Items for Information/Discussion

1. Strategic Planning/Amalga Fish Cleaning Station

Mr. Uchtyil presented the strategic project list that he shares with staff every week. We always want to do the will of the Board so based on what he heard at the strategic retreat in May, these are the projects we are working on. As things get done, he crosses them out. That's how he tracks what we're doing. Today he wants to call the Board's attention to the Amalga Harbor Fish Cleaning Station. Harold Moeser, who is a Docks & Harbors employee, put together a very nice report on our options for the Amalga Fish Cleaning Station. The problem out there as reported by the public is the boarding float is small, it's a busy location, we have over 100 trailer parking spots out there and 50 vehicle parking spots. People come in with their boats, mostly under 24', they tie up and they clean their fish. There is not enough boarding float space to do that and vessels start queuing up, tempers rise, so we're looking for a solution to that. Harold came up with four different options. One was do nothing, another was move the fish cleaning station uplands. The one staff really liked was to have a remote fish cleaning station outside Amalga Harbor. We could put a simple 20' x 28' float out there anchored and allow people to come out, clean their fish, then proceed in to recover their vessel. We thought that was the cleanest option. We also looked at extending the boarding float. The study was done at the end of 2015. We entered into a cooperative agreement with ADF&G. They get Sportfish money, it's a 25%-75%

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match. We give 25% both for the study and for the construction. We waited to see how the Statter Harbor Launch Ramp Facility may affect the use at Amalga Harbor. We still believe something should be done so we want to pursue a solution. We have received some communications from ADF&G that they do not like these remote fish cleaning stations. They believe it inhibits their ability to do creel counts. Mr. Uchtyl wrote a letter to Mike Wood with ADF&G to ask for confirmation that it's a no-starter, and Mr. Wood came back with a letter saying they will not support a remote fish cleaning station. The cooperative agreement ends at the end of December, but we can choose to extend it. Today Mr. Uchtyl is wanting to reconfirm that the Board wants to pursue the option to extend the fish cleaning float. The estimate is close to \$200,000. Mr. Wood also suggested we could have a float and a walk up fish cleaning station there, so you would come haul out your boat and walk over to another float, clean your fish, and dump it in the harbor. We have not explored that option but it might have some merit.

Committee Discussion/Public Comment

Mr. Ridgway asked if ADF&G has looked at other options for how to maintain their ability to sample fish? Can they have a camera or can they skiff out to a floating dock? They're saying they wouldn't be supportive of the remote fish cleaning float because of their diminished ability to do the creel survey.

Mr. Uchtyl said emphatically they will not support a remote fish cleaning station. There is one in Sitka, we know it has been done but they are not going to support an extension of the grant funding for that option.

Mr. Janes said this last idea of having a cleaning float in the water with a ramp walking out to it is a brilliant idea. You can walk out to it, you're still on the water, it's not at the end of the dock. He thinks that merits some research.

Mr. Uchtyl said users are not going to want to pull their boats out, park their boats, walk their fish back to the float, clean the fish, walk it back to the trailer and then go home.

Mr. Borg said the big issue right now it people tie their boat up down there and use the wash down system when they clean their fish. That's the allure to that whole situation.

Mr. Ridgway asked Mr. Uchtyl what the path forward is?

Mr. Uchtyl said he just wants the Board to either stop us and say they don't want to do any improvements out there or give us guidance to go ahead and keep working on a design for a solution and he'll work with ADF&G to extend the cooperative agreement.

Mr. Ridgway said if the numbers are right, 45% of sport caught groundfish are coming through Amalga Harbor.

Mr. Janes asked if that was prior to our new parking lot?

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Mr. Borg said we probably had a 50% reduction in use out there. He was very surprised during this year's salmon derby, he was out there quite a bit and there were half of the boats there that we had the year before, and we had better weather.

Mr. Ridgway said if nothing else maybe that will give us time to look for a solution that will meet everyone's needs.

Mr. McCasland asked if people would be mad if we just got rid of it completely?

Mr. Borg said they would clean fish on the dock and that makes a mess.

Mr. Ridgway said the Board would like Mr. Uchytel to continue doing what he's doing.

2. Small Boat Harbor Ladder Requirements

Mr. Uchytel said we are asked regularly when we are going to get safety ladders. With the new Board members, he just wants to let people know they are not required. The owners of marinas and harbors can install them. We've started installing rescue ladders at Statter Harbor and Aurora Harbor so if somebody falls in, it's a manner to retrieve them. The new floats are designed with the idea of trying to keep all the wood and all the runs out of the water so there is an 18" freeboard. OSHA has requirements for working wharves, but in a marina or harbor there is no requirement. A lot of facilities put them in, a lot of them don't. There is risk in not doing them but it's not compelled by any type of regulatory guidance. In the packet are some examples of safety ladders. He is willing to answer any questions about safety ladders because he expects at some point it will come up and he wants to be proactive in the discussion.

Committee Discussion/Public Comment

Mr. McCasland asked if we should install these in every harbor?

Mr. Uchytel said we could put them on each main float, we could put them on each stall, our rescue ladders are where the head floats and mainfloats intersect. There is no right or wrong answer, it's just a policy discussion of how much to invest. We've got lots of things we could put money into like boat shelters and fish cleaning stations. Safety ladders are another item for consideration.

Mr. Blanchard said he keeps his boats in Seattle during the winter and this was a big issue for the Port of Seattle. They had this same discussion and decided not to do it, and it came back and bit them really hard. Once we breach this situation we put ourselves on a little bit of liability. One of these saved his life off a boat that was burning one year. He went into the water and the dock was way too high and he would have drowned had he not had that. He wonders when we sit and discuss safety items like this how much liability we take on if we don't make a decision to go ahead with what other ports and harbors throughout the Northwest are putting in place.

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Mr. Ridgway asked if Mr. Uchtyl has compared Juneau's policy or lack thereof with other locations?

Mr. Uchtyl said he has not surveyed every harbor in Alaska. Seward has rescue ladders in every slip. He guesses more often than not an Alaska harbor is not going to have them.

Mr. Ridgway said we don't have anything in Title 85 or any written policy whatsoever, but we do have some rescue ladders available. He would like to request staff look at developing a reasonable middle of the road policy, that it sounds as if they're already kind of following, and perhaps document that. Then we have something for reference.

Mr. Janes said there must be an industry standard or a harbor standard of what you try to shoot for. First we need to know what the standard is and then we need a budget that would give us some sense of how we meet that standard, and then we have something to talk about. How much is this going to cost for all of our harbors? Once we do it in one, we're going to have to do it in all of them. We need more information before we can make any kind of decision about whether this is even an affordable idea. He suggests that we have staff look at that standard, estimate how many we need, and give us a little bit of a budget rather than just \$250 each.

Mr. Ridgway said it doesn't sound as if there is a standard.

Mr. Blanchard said Fishermen's Terminal in Seattle had a terrible problem with this. They used to have small piers rather than floats and they were all up about four or five feet off the water. Three or four people died in one winter falling off their boats because they couldn't get themselves out. Since then they have put floats in which are up about as high as ours and the Port of Seattle came up with a policy for where those ladders now lie. We can sit and argue all day long about what is too much and what is not enough.

Mr. Ridgway said this information item is discussed as "Ladder Requirements" and he believes staff is looking for the Board to help define those. He agrees with Mr. Janes that a little more information is needed. In terms of the options obviously when we're talking about safety cost is an issue and it's not. He believes they can reasonably request staff to come up with some sort of proposal for a standard that would minimally meet some sort of safety goal and a rough cost to come with it.

Mr. Uchtyl said there are no industry standards. He can talk to colleagues and see what people are doing and provide that, but he can't provide a national code requirement because it doesn't exist.

Mr. Ridgway said he would encourage staff to come up with what they think is a good idea with regards to standardized installation of safety ladders.

X. Staff & Member Reports

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For Wednesday, August 22nd, 2018

Mr. Becker said he knows the people at Juneau Marine Services very well and the travel lift they have is 35 years old. The University owns the Travel Lift and Juneau Marine Services maintains it. It's in horrible shape. It's never been under a cover or anything like that. They want a new one and they cost about \$200,000. He thinks maybe the City should own it. We do have an agreement with Juneau Marine Services, they're good people to work with, and in the event that we have an application to get a bigger travel lift either at the Rock Dump or the Yacht Club, that application is probably flawed in so far as there is some provision in it that if you ask for money that's going to compete with an adjacent community like Hoonah, that would probably kill it. If we could put in a new travel lift at Juneau Marine Services and we could put a bigger one outside, boats could come in through the bigger one and get lifted out. This is a plan that's just germinated right now, he knows its going to be a long time. He did notify Jeff Duvernay that he was going to make these comments tonight but he is out of town. He just wanted to let the Board know he is talking to Mr. Duvernay about this.

Mr. Ridgway asked if that is a BUILD Grant issue?

Mr. Uchytel said we submitted three BUILD Grant applications. The \$25 million ask for the Juneau Fisheries Terminal which is finishing the crane dock, drive down float, net shed, and some additional moorage has a reasonable expectation of approval. The next one is another \$25 million ask for a Marine Services Yard. That one will not be competitive because we just don't have the return on investment that they're looking for. That's coming from the DC lobbyist that sees hundreds of these. He doesn't think the Marine Services Yard or the Non-motorized Transportation Link which is the seawalk between Statter Harbor and the Auke Bay Marine Station will be funded this year. The reviewers of the BUILD Grants look very precisely at what's being submitted and they recognize the goal is not to steal business from an adjoining community. The idea is to bring new money into the community. What Mr. Becker is suggesting is if our vision that we've layed out was this larger 150-175 ton lift capability, it may run into reviewer problems because they could see it as stealing work away from Hoonah. We need to show that we are not stealing, we are growing this industry that keeps more vessels in Alaska as opposed to going to Seattle.

Mr. Ridgway said there are two things here, an effect on a BUILD grant that could be amended to give us a better chance, and a 35 ton Travel Lift that is toast.

Mr. Becker said it's been repaired a lot. This is just something that's developing and he wanted to let the Board know that he's working on it independently and more will come. There is a need for a large Travel Lift and he would like Docks & Harbors to control that.

Mr. Uchytel said there are a lot of things going on next week. There is a National NOAA Hydrographic Survey Panel Review. He'll be sitting on a panel for that. There will be lots of people here from DC. It'll be at Centennial Hall. He is representing the Alaska Association of Harbormasters and Port Administrators on navigation needs as well as presenting as the President of the ASCE section on engineering needs from NOAA. In addition to that NOAA meeting, we are also hosting a contingent of about 6-7 folks from DC and they're doing the NOAA research vessel homeporting study for one of their new vessels. He is also hosting Donna

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West from the Corps of Engineers and she's going to be looking at the maintenance dredging in Aurora and Harris Harbor. Hopefully she will bring some news on the request for beneficial upland disposal of dredging materials with the idea of adding property south of the Yacht Club. The day after Labor Day he will be in Anchorage, he has been appointed by the Governor for something called ACAST, Alaska Civilian Armed Services Team. This is the first meeting and they'll be talking about what the State can do to encourage more military including Coast Guard to Alaska. When he goes up for that he'll also be going back to the Anchorage Corps of Engineers folks to talk about the wave attenuator project out at Auke Bay.

Mr. Janes asked if Mr. Uchytel is representing the Docks & Harbors Board when he is at ACAST? He doesn't know how they would all feel about more military presence in Alaska.

Mr. Uchytel said he has been appointed as a person to represent municipality and tribal interests. He is not there representing Docks & Harbors. Someone from DC reached out to him and encouraged him to apply.

Mr. Blanchard asked Mr. Uchytel to explain the NOAA homeport and what they're looking for?

Mr. Uchytel said it all goes back to the Coast Guard FRC, working with our lobbyist in DC, and asking what the opportunities are to bring more federal jobs to Juneau. He was in DC for a lobbying visit with another professional organization so he stopped by NOAA and told them Juneau would be a great place to bring a new research vessel that's coming to Alaska. They came in May and we showed them around Juneau. They liked what they saw and now they are coming back with some contractors to evaluate Juneau as a potential homeporting option for a 160' vessel. There are things to work out but we think we have a good community that would support NOAA and we're looking for opportunities to bring jobs to Juneau.

Mr. Ridgway asked if Mr. Uchytel is working with a team of people from CBJ or if he is manning this by himself?

Mr. Uchytel said when we had them here in May the Mayor, the City Manager, JEDC, the CBJ Finance Director, and Docks & Harbors staff were there. This time he might bring Brian Holst from JEDC and Craig Dahl from the Chamber of Commerce. He wants to make sure they know the community wants them here. Right now they could not tie up where the NOAA dock is. He put together a white paper before his visit to DC and said we're interested in developing our waterfront, we want to be partners with NOAA, we want the seawalk to go through there, we want to have control of the dock so we can utilize it for small cruise ships in the summer, etc. He doesn't know how much we can promise to deliver. We'd love to have them out at the Auke Bay Marine Station, it's a good collaborative area for NOAA to be located. We just have to do a better job than we did with the FRC.

Mr. Ridgway asked Mr. Uchytel to please let the Board know if he sees any opportunity for them to get involved, they are all in tremendous support of encouraging NOAA to homeport their vessel here.

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Mr. Janes said he thinks we should go out and be hosts. He doesn't know what our legalities are for after hours mixers but we need to host this as any city, municipality, or country would do to bring in people that we want and show them what we have. If we do have the ability for informal conversation with these people, after all the meetings, that's really important.

Mr. Ridgway said at the strategic retreat, as we discuss prioritization of capital projects and how we spend our money, we could potentially review reassessing our prioritization to further encourage use of the float at the Auke Bay Marine Station.

Mr. Simpson scheduled the Committee assigned to evaluate the Port Director to meet at his office at 4:00pm on Thursday, August 30th, 2018 right before the Board meeting.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, September 19th, 2018.**

XII. Adjournment- The meeting was adjourned at 7:03pm.

Presented by: The Manager
Introduced: 06/09/2014
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2690

A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.

WHEREAS, the Docks and Harbors Board of Directors is responsible for the administration and management of the Docks and Harbors under general direction of the Assembly; and

WHEREAS, CBJ 40.05.030 provides that the Docks and Harbors Board of Directors shall recommend bylaws for the administration and government of the Docks and Harbors, which bylaws shall become effective upon approval of the Assembly by resolution; and

WHEREAS, the Assembly may accept the bylaws recommended by the Docks and Harbors Board of Directors, may reject such bylaws, or may modify them; and

WHEREAS, at its regular meeting of May 29, 2014, the Docks and Harbors Board of Directors approved certain amendments to the bylaws consistent with CBJ ordinances and forwarded the same to the Assembly; and

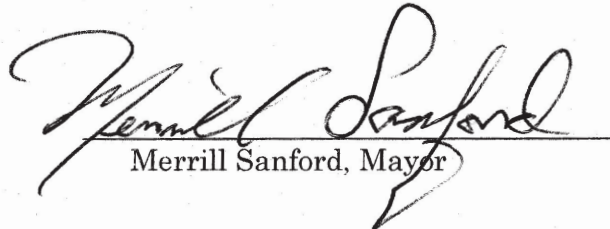
WHEREAS, the Docks and Harbors Board of Directors recommends that the Assembly approve the amended bylaws attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

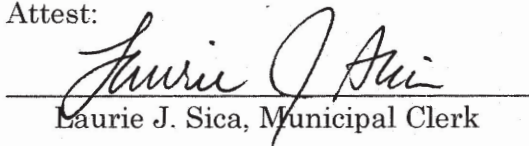
Section 1. The Assembly hereby approves the Docks and Harbors Board of Directors Bylaws, dated June 9, 2014, attached as Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted this 9th day of June, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk

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ARTICLE I. NAME, DUTIES, AND POWERS

1. NAME. The governing body of the City and Borough of Juneau Docks and Harbors shall be known as the City and Borough of Juneau Docks and Harbors Board, hereafter referred to as the Board.
2. DUTIES AND POWERS OF THE BOARD. The duties and powers of the Board regarding the operation of the municipally owned and operated port and harbor facilities are established by Charter Section 3.21 and Chapter 85.02 of the Code of the City and Borough of Juneau.

ARTICLE II. BOARD MEMBERSHIP AND APPOINTMENT

1. NUMBER OF DIRECTORS. The Board shall consist of nine (9) members.
2. APPOINTMENT. All Board members shall be appointed by the City and Borough of Juneau Assembly as provided by Section 85.02.010 of the Code of the City and Borough of Juneau.

A new member shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

3. TERM OF APPOINTMENT. As provided in Section 85.02.010, Board members shall be appointed for staggered three-year terms and until their successor is appointed. Appointment terms will not violate the conditions set forth in Section 85.02.010.
4. VACANCIES. When the conditions set forth in Section 85.02.030 of the Code of the City and Borough of Juneau occur, the Chair will notify the Clerk's Office that a vacancy exists.

Vacancies on the Board shall be filled by the City and Borough of Juneau Assembly as provided by Section 85.02.030 of the Code of the City and Borough of Juneau and the Assembly Rules of Procedure.

A member filling a vacancy shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

5. MEMBERS. The duties and responsibilities of the Board members shall be as set forth in Sections 85.02.60, 85.02.63, and 85.02.65.

ARTICLE III. OFFICERS

1. OFFICERS. Officers of the Board shall consist of a Chair, Vice Chair and any other officers as

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the Board may from time to time deem necessary.

2. ELECTION OF OFFICERS. Officers shall be elected at the annual Board meeting or at such time as offices become vacant.
3. TERM. Each officer shall serve for a term to extend until the next annual Board meeting or until such time as they vacate the office.
4. REMOVAL. Any officer may be removed from his or her office by an affirmative vote of at least six (6) Board members at a meeting called for that purpose or by the Assembly in accordance with CBJ 85.02.030.
5. CHAIR. The Chair shall preside at all Board meetings.

The Chair shall assign tasks to Board members and committees and shall ensure that all business of the Board is carried out.

The Chair shall act as spokesperson for the Board and will have such other duties and responsibilities as delegated to him or her by the Board.

6. VICE CHAIR. The Vice Chair shall act as the Chair in the absence of the Chair.

ARTICLE IV. COMMITTEES

1. STANDING COMMITTEES. There shall be the following standing committees of the Board:

- * Finance
- * Operations & Planning

The Chair shall appoint each Board member to serve on at least one standing committee. The Board Chair shall serve as a voting member of all standing Committees.

The Chair shall appoint a Board member to serve as the Chair of each standing committee. No Board member shall chair more than one standing committee.

Unless otherwise directed by the Chair, all standing committees will function at the direction of the appointed committee Chair.

2. SPECIAL COMMITTEES. The Board or the Chair may establish special committees to facilitate any Board business.

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The Chair shall appoint two or more Board members and may appoint any individual that is not a member of the Board to serve on any special committee established.

The Chair shall appoint a Board member to serve as the Chair of each special committee.

Unless otherwise directed by the Chair, all special committees will function at the direction of the appointed committee Chair.

A special committee shall serve for a period of time or for the accomplishment of a particular task or tasks as determined by the Chair. No special committee shall serve beyond the annual Board meeting unless reconstituted by the newly elected Chair.

ARTICLE V. MEETINGS

1. REGULAR. The Board shall meet at least once each month at a place and time designated by the Chair.

The Board may act on any matter within its authority at a regular or annual Board meeting whether or not such item was identified in the notice of the meeting.

2. ANNUAL. An annual meeting shall be held on the last Thursday of July each year.

The annual Board meeting may be postponed by the Board to a certain day.

At the annual meeting, a Chair, a vice Chair and other such officers as the Board shall deem necessary, shall be elected.

3. EXCUSED ABSENCES. Any absence of a member from a regular Board meeting shall be deemed unexcused unless the member is absent as a result of attending to official business on behalf of the Board, for extenuating medical reasons or for other significant cause, in which case the absence may be deemed excused by the Board Chair.

4. SPECIAL. Special Board meetings may be called at any time by the Chair or any three (3) Board members for good cause, which must be reaffirmed at the beginning of any special meeting.

Only business identified in the notice of the meeting may be transacted at a special Board meeting.

5. COMMITTEE. Committee meetings may be called at any time by a committee Chair or by a majority of the committee's membership.

Any topic or item may be discussed that falls within the purview of the committee's charge as

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determined by the Chair, committee Chair, or a majority of the committee's membership.

6. QUORUM. For all Board meetings, a quorum shall consist of five (5) members in attendance or participating via telephone. For all committee meetings, a quorum shall consist of a minimum of three (3) voting committee members in attendance or participating via telephone.

7. ADJOURNMENT, CONTINUATION, AND POSTPONEMENT OF MEETINGS. If a quorum is not present at a meeting, the Chair or committee Chair may adjourn such meeting to a time and place he or she determines most appropriate; provided that notice of the time and place of the adjourned meeting shall be given to each Board or committee member and the general public at least twenty-four (24) hours prior to such meeting.

If a quorum is present at a meeting, such meeting may be continued or adjourned from day to day and no additional notice of such continuation or adjournment need be given.

8. VOTES. No person other than a Board member is entitled to vote at any Board or committee meeting, except appointed members of special committees within those committees.

Each Board member shall be entitled to one (1) vote. No proxy votes may be used to constitute a quorum, transact business, or otherwise. To register a vote, the Board member must be present at the meeting or participating via telephone at the time the vote is taken.

An affirmative vote of at least five (5) Board members is required for a main motion to pass the Board. An affirmative vote of the majority of committee membership is required for a main motion to pass a committee.

9. ORDER OF BUSINESS. The following order of business shall be observed at all regular, annual, or special Board meetings and committee meetings insofar as practicable or necessary:

- Call to Order
- Calling of the Roll
- Port Director Request's for Agenda Changes
- Public Participation on Non-agenda Items
- Approval of the Previous Meeting Minutes
- Consent Agenda
- Unfinished Business
- New Business
- Items for Information
- Staff, Committee and Member Reports
- Board Administrative Matters
- Adjournment

As the first order of business after the calling of the roll at the annual Board meeting or at the first

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regular or special meeting after an officer vacancy has been recognized by the Board, the Chair, Vice Chair and/or other officers shall be elected.

The Port Director may include under the consent agenda:

- A. Actions to Propose Regulations for Public Comment
- B. Bid awards that have received Committee concurrence
- C. Resolutions
- D. Other items requiring Board action which do not involve substantial public policy questions.

10. BOARD MEETINGS PUBLIC. All Board and committee meetings are open to the public, except that executive sessions may be held in accordance with AS 44.62.310.

11. CONFLICT OF INTEREST. No Board member shall vote or deliberate on any question in which he or she has a conflict of interest as defined by Chapter 01.45 of the Code of the City and Borough of Juneau.

Such a Board member shall not be counted in determining the quorum for such a vote.

12. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in a Board or Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Chair chooses to participate by teleconference, the Vice chair shall preside.

B. No more than the first three members notifying the Board secretary regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Board secretary, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

D. At the meeting, the Board or Committee secretary shall establish a telephone connection when the call to order is imminent.

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the

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entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.

G. The member participating by telephone may ask to be recognized by the presiding officer to the same extent as any other member.

H. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Board secretary shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

I. Participation by the telephone shall be allowed only for regular, special, or committee meetings of the Board.

J. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he/she would if physically present at the meeting.

K. As used in these bylaws, "telephone" means any system for two-way communication.

ARTICLE VI. PUBLIC HEARINGS, RULES FOR PUBLIC PARTICIPATION, AND APPEALS

1. **PUBLIC HEARINGS AND RULES FOR PUBLIC PARTICIPATION.** The Board may hold public hearings in accordance with established City and Borough of Juneau procedures to take public or other testimony on any issue dealing with Board duties or responsibilities. Public testimony will be conducted according to the following rules, which will be available at the meeting:

A. The presiding chair of the meeting will conduct the hearing.

B. The presiding chair will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The presiding chair may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Board members to members of the public. A majority of the Board or Committee may extend the time limit. The time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the presiding officer may grant additional time to a person speaking on behalf of a group present at the meeting.

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D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Port Director's Office more than three business days before a meeting and comprising 10 pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Port Director at the meeting provided the submission contains at least 15 copies.

E. The presiding officer will set forth the item to be discussed and will rule non-germane comments out of order.

F. All speakers, public, and members of the Board must be recognized by the presiding chair.

G. Members of the public will precede their remarks by stating their names, and unless otherwise allowed by the presiding chair, their place of residence.

H. Members of the Board will be recognized by their surnames.

I. Members of the Board will not direct questions to each other or to the chair during the public participation except as to the conduct of the hearing.

J. Members of the Board may direct questions to a member of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the effect of unreasonably extending the time limit applicable to public speakers.

K. The public may direct questions to the Board or the administration. However, the Chair shall have discretion as to the appropriate manner and time for a response. In no case shall the Board engage in debate with the public.

L. The Port Director may participate in the same manner as members of the Board.

2. APPEALS TO THE BOARD. The Board will, in those instances allowed by the Code of the City and Borough of Juneau and under procedures established by the City and Borough of Juneau, hear and adjudicate public appeals regarding the application of Harbor rules, policies and procedures. The Board will adopt rules of procedure for handling appeals.

ARTICLE VII. PORT DIRECTOR

1. PORT DIRECTOR. The Port Director serves at the pleasure of the Board as identified in Section 85.02.080 of the Code of the City and Borough of Juneau.

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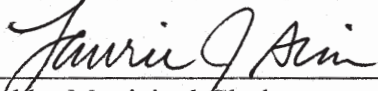
The Port Director shall have the duties and responsibilities identified in Section 85.02.090, 85.02.110, and 85.02.130 of the Code of the City and Borough of Juneau.

ARTICLE VIII. EFFECTIVE DATE AND AMENDMENTS

1. EFFECTIVE DATE OF BYLAWS. These Bylaws, as amended, are effective June 9th, 2014.
2. AMENDMENTS. Any of these Bylaws may be amended by an affirmative vote of six (6) Board members at any regular or special meeting called for and approved by the Assembly.
3. ADDITIONAL PROVISIONS. Indemnification of Directors and Officers Each director and officer now or hereafter serving as such, shall be, and by virtue of this Bylaw provision hereby is, indemnified by the City and Borough of Juneau against any and all claims and liabilities to which they, their heirs, and personal representatives, have or shall become subject due to serving or having served as such director or officer, or neglected by them as such director or officer; and the City and Borough of Juneau shall reimburse each such person for all legal expenses (including attorney's fees) reasonably incurred by them in connection with any such claim or liability, provided, however, that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with, any claim or liability arising out of their own willful misconduct or gross negligence.

The amount paid to any director or officer by way of indemnification shall not exceed their actual, reasonable, and necessary expenses incurred concerning the matter involved. The right of indemnification, herein above provided for, shall not be exclusive of any rights to which any director or officer may otherwise be entitled by law.

Adopted via Resolution No. 2690 this 9th day of June, 2014.



Attested by Municipal Clerk

Chapter 85.02 - DOCKS AND HARBORS BOARD^[1]

Footnotes:

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Charter reference— Docks and harbors board, § 3.21.

State Law reference— Port facilities grants, § 30.15.010 et seq.; boat harbor, dike, jetty, and breakwater facilities, AS 35.10.090 et seq.

85.02.010 - Board of directors.

There is established the board of directors of the City and Borough docks and harbors which shall be known as the City and Borough docks and harbors board and shall consist of nine members appointed by the assembly to serve without compensation for staggered three-year terms. City and Borough docks and harbors board members shall serve at the pleasure of the assembly. Terms shall commence on July 1. No board member, or member of a board member's immediate family or household, may be employed by the Harbors Department. To the extent possible, appointments to the City and Borough docks and harbors board shall include persons having marine, engineering, financial, or other skills relevant to port and harbor matters. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term, the assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No member of the docks and harbors board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:

- (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or
- (2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2004-08, § 10, 3-22-2004; Serial No. 2005-03(d), § 9, 6-13-2005)

85.02.020 - Organization.

The City and Borough Docks and Harbors Board shall elect annually from its members a chair and vice chair and such other officers as it deems necessary. The board may appoint such committees as it deems necessary.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.030 - Vacancies.

- (a) A vacancy in the City and Borough Docks and Harbors Board shall exist under the following conditions:
 - (1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
 - (2) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;

- (3) If a member submits his or her resignation to the board or assembly;
 - (4) If a member fails to attend three consecutive regular board meetings, unless excused by the board;
 - (5) If a member misses more than 40 percent of the regular board meetings in a 12-month period; or
 - (6) If a member is removed by the assembly, in its sole discretion, for the convenience of the City and Borough.
- (b) For the purposes of counting attendance, a member participating telephonically in accordance with the Assembly Rules of Procedure shall be counted as present.
 - (c) The chair of the City and Borough Docks and Harbors Board shall notify the clerk's office of any vacancy on the board. Upon notification, the assembly shall appoint a new member for the unexpired term.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-03(d), § 10, 6-13-2005; Serial No. 2010-36, § 2, 1-10-2011)

85.02.040 - Meetings.

The City and Borough Docks and Harbors Board shall meet at least once each month at a place and time to be designated by the chair.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.045 - Coordination.

- (a) The City and Borough Docks and Harbors Board shall, no later than November 30 each year, provide the assembly with a written review of docks and harbors department operations during the preceding fiscal year. The review shall include fee schedules, revenues by source, operating expenditures, customers served, and any recommended amendments to the Downtown Waterfront Development Plan. The manager shall review and comment on the recommendations.
- (b) The board shall submit to the assembly committee of the whole at least semi-annually a report on port and harbor operations and pending issues.
- (c) The assembly shall appoint a member to serve as liaison to the board.
- (d) The board shall adopt safety policies acceptable to the City and Borough risk manager or such other officer as the manager may designate.
- (e) In emergencies, the harbor shall, to the extent necessary to resolve the emergency, be under the control of the fire chief or such other officer as the manager may designate.
- (f) Reserved.

(Serial No. 2004-03b, § 2, 3-9-2004; [Serial No. 2017-13, § 2, 6-26-2017, eff. 7-27-2017](#).)

85.02.050 - Membership in associations.

The City and Borough Docks and Harbors Board may maintain membership in any local, state or national group or association organized and operated for the promotion, improvement or assistance in the administration of port and harbor facilities and, in connection therewith, pay dues and fees thereto.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.060 - General powers.

- (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:
- (1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities except as designated by the Assembly by resolution.
 - (2) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
 - (3) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
 - (4)
 - (A) Within the docks and harbors appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.
 - (B) The Docks and Harbors Department shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the Manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City and Borough Human Resources and Risk Management Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the Manager.
 - (5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the Assembly by resolution as subject to Docks and Harbors Board Administration, subject to the following limitations:
 - (A) No sale, purchase, or trade of land shall be made without prior review by the planning commission and approval by the Assembly by resolution.
 - (B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
 - (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.
 - (i) Land shall be leased as provided in chapter 53.20, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
 - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by Title 53 of the manager may be performed by the port director.
 - (6) Shall administer the design and construction of all capital improvements on lands managed by the docks and harbors board unless otherwise specified by the Assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests shall be subject to prioritization by the Assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.

- (7) (A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney, and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.
- (B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the Manager or the purchasing officer shall be performed by the Port Director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the Docks and Harbors Board and thereafter to the superior court.
- (C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2006-06, § 4, 4-3-2006; [Serial No. 2013-29, § 5, 1-6-2014, eff. 2-5-2014](#))

85.02.063 - Land management plan.

- (a) After public hearing and deliberation, the docks and harbors board shall draft and forward to the planning commission and assembly a land management plan. The plan shall address the retention, use, disposal, and development of City and Borough land under the jurisdiction of the docks and harbors board. After public hearing and deliberation, the planning commission shall forward its recommendation to the assembly. Recommended changes to the land management plan shall be developed using the same procedure.
- (b) Development of the land management plan, or a change to the plan, shall be guided by the following principles:
 - (1) Multiple use should be encouraged;
 - (2) A sound local economy will be promoted;
 - (3) Adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;
 - (4) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;
- (c) In developing the land management plan to implement the policies outlined in this section, the following issues, without limitation, shall be considered:
 - (1) The supply of publicly owned lands to meet public needs;
 - (2) The supply of privately owned lands to meet the private-sector needs of the community;
 - (3) The comprehensive plan, the long-term capital improvements program, and other plans adopted by the assembly;
 - (4) Restrictions created by written instruments, zoning, and state and federal regulations;

- (5) Physical, economic, resource, population and social factors affecting the area under consideration;
 - (6) Comments of the general public, affected landowners, state and federal agencies and local advisory groups;
 - (7) Ownership patterns and waterfront development plans of private landowners and state and federal agencies;
 - (8) The development and growth patterns and potentials of different areas of the City and Borough and waterfront services that may be needed as a result of that development and growth;
 - (9) The requirements of public access to and along public and navigable bodies of water;
 - (10) The protection of other public values including recreational, scenic, wildlife, and other environmental qualities; and
 - (11) Other matters which are relevant to a land use management plan.
- (d) The plan shall contain the following elements:
 - (1) Proposed land acquisitions;
 - (2) A listing of those lands to be retained for public use;
 - (e) The plan shall be reviewed by the Docks and Harbors Board and the Planning Commission if a major unanticipated development affecting basic assumptions occurs, and in any case at least every five years.
 - (f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the land management plan adopted above, Juneau Coastal Management Plan, and all other adopted City and Borough land use plans.
 - (g) Upon receipt of a land management plan or a change recommended by the Docks and Harbors Board and Planning Commission, the assembly shall consider the plan, or change, and may adopt the plan or change only after it conducts a public hearing on the matter.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.065 - Limitation on authority.

The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.070 - Reserved.

85.02.080 - Port director designated; appointment.

The chief executive officer of the municipal port and harbors shall be the port director appointed by the City and Borough Docks and Harbors Board only upon the affirmative vote of a majority of the entire board. The port director serves at the pleasure of the board. For purposes of Chapter 44.05, the port director shall have the status of a department director. The board shall establish the compensation and benefits to be provided to the port director. Personnel actions regarding the port director, including hiring, evaluation, discipline, and termination, shall be after consultation with the city manager.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-32(b), § 5, 10-10-2005)

85.02.090 - Duties and responsibilities of port director.

- (a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:
- (1) To be responsible for carrying out all applicable laws, ordinances, rules and regulations.
 - (2) To be responsible for carrying out policies established by the board of directors.
 - (3) In consultation with the City and Borough Personnel Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors department to the docks and harbors board for approval.
 - (4) To prepare an annual budget as required by City and Borough ordinance.
 - (5) To select, employ, control and discharge all port and harbor employees and such other employees as the assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
 - (6) To prepare such reports as may be required on any phase of harbor activity.
 - (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
 - (8) To perform any other duty that may be necessary in the interest of the port and harbor area.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.100 - Schedule of fees and charges.

- (a) The board shall, by regulations adopted pursuant to CBJ 01.60, impose a schedule of fees and charges for use of ports and harbors, and facilities designated by the assembly by resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.105 - Port dues.

- (a) Every vessel carrying passengers for compensation and utilizing the port facilities, and not otherwise exempted by subsection (d) of this section, shall be assessed and pay port dues for each port visit. The port dues shall be in addition to other port facility fees and charges, provided, however, that port dues paid to the CBJ Docks and Harbors Department may be taken as a credit against port dues owed under this chapter. Port dues shall be calculated on the basis of registered net tonnage of the vessel as follows:

$$[\text{Base rate per registered net ton}] \times [\text{Registered net tonnage}]$$

$$= \text{Port dues per vessel per use of port facilities}$$

- (b) Rate schedule. The base rate per registered net ton shall be established by the city manager by regulation pursuant to CBJ 01.60 utilizing the services of an independent appraiser. The rate shall be the market rate for facilities with like amenities and services. The manager shall determine the market rate every five years, or from time to time as he or she shall determine. The market rate shall then be adjusted annually by the manager based on the Anchorage Cost of Living Index.
- (c) Port dues collected pursuant to this chapter shall be deposited in the port development fund.
- (d) Exemptions. The port dues shall not apply to:
- (1) vessels having accommodations for 12 or fewer passengers;

- (2) vessels traveling only between the City and Borough and points within 100 miles of the City and Borough port facilities; and
 - (3) noncommercial vessels, or vessels owned and operated by the state, the United States government, or a foreign government.
- (e) Administration and disposition of port dues. The proceeds of the port dues shall be placed in the port development fund. The port development fund shall be used for projects that benefit the cruise industry as outlined in the long-range waterfront development plan as it may be amended from time to time.

(Serial No. 2005-02, § 2, 3-14-2005)

85.02.108 - Reserved.

85.02.110 - Preparation and submission of budget.

The port director shall prepare the budget in accordance with approved City and Borough procedure and format and shall submit it to the City and Borough Docks and Harbors Board for approval. The board shall modify the budget as it deems necessary and forward it to the City and Borough Manager for transmittal to the assembly. The operating portion of the budget submitted by board shall be for a self-sustaining operation without a general fund subsidy and with all harbor revenues and all interest earned thereon, and shall include reasonable additional revenues to fund harbor facilities replacements; such additional revenues shall be computed using accepted accounting principles and the estimated remaining useful life of harbor facilities owned by the City and Borough. The board may include in its operating budget projections for additional revenues to provide funds for the expansion or construction of new harbor facilities in future years as well as replacement of harbor facilities leased to the City and Borough.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.120 - Other fiscal matters.

All other fiscal matters, including custody of and expenditure of funds, accounting and collection, shall be governed by general City and Borough ordinance.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.130 - Employee relations.

Employees of the harbors shall be subject to Chapter 44.10 of this Code. For purposes of that chapter, the port director is a management employee who formulates, determines or effectuates management policies. Wherever in chapter 44.10 a duty, responsibility, or authority falls to the City and Borough Manager, such duty, authority, or responsibility shall fall to the port director. The City and Borough Docks and Harbors Board must ratify any collective bargaining agreement; provided, no such ratification may occur unless there are, or will be, adequate funds available to fund the initial fiscal year or portion thereof affected by the contract. The contract ratified by the board and the employees shall be immediately submitted to the assembly for assembly ratification under section 44.10.120.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.140 - Reserved.