

AQUATICS BOARD MEETING AGENDA

Tuesday July 26th, 2021

Teleconference/Zoom Meeting

at 5:00pm

Statement of Philosophy:

Create Community through People, Pools and Effective Swim Programs

- A. Call to Order
- B. Roll Call
- C. Agenda Changes
- D. Approval of minutes from June meeting.
- E. Public Participation on Non-Agenda Items
- F. Staff Report
- G. Old Business
 - a. Board Terms
- H. New Business
 - a. Annual Report
- I. Board Comments & Standing Agenda Items
 - a. Commercial Use Regulations
 - b. Subcommittee Reports
- J. Adjournment
- K. **Next Board Meetings :**
 - a. 08/24/21

MINUTES
AQUATICS BOARD
Tuesday, June 22, 2021
City & Borough of Juneau – Zoom Conference

Statement of Philosophy:
Create Community through People, Pools and Effective Swim Programs

- A. **Meeting Convened at 5:02pm** by Chair Muldoon.
- B. **Members - Present:** Kristin Bartlett, Don Beard, Scott Griffith, Molly McCormick, Will Muldoon, Lena Merrell, Tom Rutecki, Pat Watt. **Absent:** Tracy Morrison
Ex Officio: George Schaaf, Parks & Rec Director
Liaison Present: Carole Triem – CBJ Assembly
CBJ Staff Present: Kollin Monahan, Aquatics Manager, Sarah Landen, Admin Assistant
Other: None
- C. **Agenda Changes** – None.
- D. **Approval of Minutes** –of the April 27 meeting were approved.
- E. **Public Participation on Non-Agenda Items** - None
- F. **Staff Report**
- Details are provided in the attachment
 - Attendance continues picking up as Covid restrictions are relaxed. Total attendance is about 80% of pre-pandemic levels. We are gaining new swimmers each month, and have had a few days close to capacity.
 - The summer camp model used last year for swim lessons continues to work well and having registration solely online is making things much easier for parents and staff. The new CivicRec software is working well. The first round of lessons had 72 kids, and all participants achieved the goal of being ready for the next level by the end of their lessons. We are seeing more younger kids, and the feedback from parents is very positive. In the fall, we will likely return to the old lesson model, since it won't be feasible to close the pool to other users during lesson times.
 - Starting July 6 all usual pool amenities will be available, including slides, hot tub, and saunas. Staffing is a challenge, but it's tight everywhere.
 - Lifeguard training classes continue and are being well received. All participants are signing up to work at the pools which helps the staffing situation – although many of these are college students who will be returning to school in the fall.
 - Renting pool space will resume in August, assuming we have enough staff.
 - Since many of our swimmers are under the age they can get vaccinated, parents seem to be managing their Covid comfort level according how crowded things are.
- G. **Old Business:** None
- H. **New Business**
- **Board Member Terms.** Mr. Beard and Ms. Watt's terms on the Board end this month. Ms. Watt has completed 7 years on the Board, having been appointed at its initial inception, and is not going to reapply. Mr. Beard has not decided yet.
 - **CIP Update.** The Assembly continues to support the renovation of the Augustus Brown Pool so that project is now back for completion. Ms. Triem noted that the Assembly appreciated the

Board's work and support for Aquatics. The roof replacement at Augustus Brown is close to completion, with the interior work complete and the exterior expected to be done in 3-4 weeks. It is likely that the major pool renovation work could begin in January, 2022. At that point, the AB pool will be closed for 6-9 months. The deck around the pool at Dimond Park is scheduled for replacement to eliminate slip hazards and discoloration. Life Floor products have been selected and it is planned to choose color combination of tiles to brighten up the natatorium. That project will be done in late fall before the August Brown pool closes.

I. Standing Agenda Items

• **Commercial Use of Aquatics Facilities.**

- The Department of Law review of the regulations resulted in one substantive change (substituting the Aquatics Manager for the Director of Parks and Recreation throughout) and another clarifying change to ensure that permittees must comply with all pool standing operating procedures. Consequently, the draft regulations have not yet been issued for public comment.
- Ms. McCormick wondered about the necessity of doing this now, and whether the Assembly might amend the regulations so that private teachers did not to have background checks or liability insurance. Mr. Schaaf explained that as far as Aquatics regulations go, the Assembly can only approve or reject them, since these regulations are in the Board's purview. The underlying Assembly regulation, however, applies to commercial use of any and all CBJ facilities. Ms. McCormick also asked whether Glacier Swim Club had to have a permit. Mr. Griffith explained that the Club uses the pool under a negotiated contract with relevant terms and conditions. Ms. McCormick feared that the permit process would make it hard for young people to become swim teachers. Mr. Schaaf explained that the regulations set the big picture, and the details including fees will be set by the Board in policy. The CBJ Risk Management staff have identified an affordable liability insurance option, and background checks are required when working with children.
- Ms. Watt moved that staff be instructed to move forward with the public comment process pursuant to CBJ 01.60. There was no objection. Upon completion of public proceedings, the Aquatics Board would then consider and adopt the regulation. Regulations adopted by the Aquatics Board are then subject to review by the Assembly.

• **Subcommittee Reports.** None.

J. Board Comments – Ms. Merrell offered kudos to Chris, a long-time lifeguard at Augustus Brown, for all the help he provided her daughter in learning to swim and keeping her face in the water.

K. Adjournment – Ms. Triem noted that the Assembly is now meeting face-to-face. Mr. Muldoon polled the Board as to its preference. The next meeting will be in person. The meeting was adjourned at 5:58pm.

Meeting Follow-ups:

Mr. Schaaf and Mr. Monahan to proceed expeditiously with the 21-day public comment period.

Mr. Schaaf and Mr. Monahan – bring back next draft of commercial use policy document and draft permit fee schedule for discussion at July 27 meeting

Upcoming Meetings:

Next Board meeting: Tuesday, July 27, 5:00pm, in person at Dimond Park Aquatics Center.



July 27th, 2021

Full Aquatics Board Meeting

Operations Report

Daily Attendance (June 1st - 30th)

Augustus Brown Swimming Pool

June 1,645 Total Visits

May 1,493 Total Visits

Monday-Friday	
5:30am-7:00am	268 Check-ins
7:00am-8:30am	133 Check-ins
2:00pm-4:00pm	549 Check-ins
4:00pm-6:00pm	390 Check-ins
6:00pm-8:00pm	153 Check-ins

Saturday	
10:00am-12:00pm	46 Check-ins
12:00pm-2:00pm	28 Check-ins

Sunday	
12:00pm-2:00pm	78 Check-ins

AGB Trends at a Glance

- Daily Usage is averaging 55 patrons
- 48% of attendance are adults (ages 18 – 64)
- 26% of attendance are seniors (ages 65+)
- 15% of attendance are youth (ages 8 – 17)
- 11% of attendance are children (ages 2 – 7)

Dimond Park Aquatic Center

June 4,921 Total Visits

May 3,825 Total Visits

Monday-Friday	
5:30am-8:00am	936 Check-ins
8:00am-12:00pm	1,186 Check-ins
12:00pm-3:00pm	851 Check-ins
6:00pm-8:00pm	1,055 Check-ins

Saturday	
10:00am-12:00pm	245 Check-ins
12:00pm-3:00pm	200 Check-ins
3:00pm-6:00pm	154 Check-ins

Sunday	
12:00pm-3:00pm	161 Check-ins
3:00pm-6:00pm	133 Check-ins

DPAC Trends at a Glance

- Daily Usage is averaging 164 patrons
- 38% of attendance are adults (ages 18 – 64)
- 16% of attendance are seniors (ages 65+)
- 26% of attendance are youth (ages 8 – 17)
- 20% of attendance are children (ages 2 – 7)

Schedule Changes

Fall Schedules Start August 2nd (AGB) & August 9th (DPAC closed August 2nd- 9th) – See Attached Schedules

Augustus Brown Schedule Changes

- Augustus Brown now open at 11:00am for full lap swim/general recreation (11am-2pm added)
- JDHS resumes practice M-F 4:30pm-6:30pm
- Dive Team resumes practice M & W 6:30pm – 8:00pm
- GSC Resumes AM Practice MWF 5:30am-8:30am

Dimond Park Schedule Changes

- Dimond Park no longer closed M-F 3:30pm-5:30pm (GSC Practice)
- TMHS resumes practice M-F 5:15am-7:15am
- Dive Team resumes practice T & TR 6:30-8:00pm
- Designated Water Walking Time Added
- Evening Weekday Lap Swim Added
- Slides + Diving Board Open on Weekends

Maintenance

- Dimond Park Aquatic Center will be closed from August 2nd – 8th and will reopen on August 9th. Augustus Brown will increase hours with fall schedules starting on August 2nd. Maintenance Projects for DPAC are as follows:
 - Replace Natatorium Overhead Lights
 - Prep Floor Cracks for Deck Restoration Project in Winter
 - HVAC Work
 - Replace Media in Sand Filter for Leisure Pool
 - Replace failing Salt Cell Cores

Staffing

- Currently accepting applications for all part-time positions, applications can be found at Juneaupools.org and can be sent to Aquatics@juneau.org
 - Aquatic Attendant – \$12.73 per hour
 - Lifeguard – \$17.65 per hour
 - Head Lifeguard – \$20.12 per hour
- Augustus Brown Pool Supervisor I (37.5 hours per week) – Internal Posting for 5 Days
- Augustus Brown Lifeguard (37.5 hours per week) – Internal Posting for 5 Days

Instructional Programming

Swim Lessons

- Session III ends this week – 75 participants total
- Operations ran three different sessions this summer, brief overview below:
 - Total Participants: **212 children attended eight, 30 minute lessons**
 - Total Instruction Staff: **Nine Instructors**

The summer camp model was well received by guardians. Biggest comment was to add a morning session next summer. This model works well for long breaks (summer & winter breaks) but would not be ideal during the school year. Operations will revert back to four-week lesson plans where participants attend twice a week when school is in session and/or start offering private lessons.

Health & Safety Courses

Blended Learning American Red Cross Lifeguarding Course

Registration: OPEN

Course Dates/Times: August 14th 15th 8:00am-4:30pm (w/ 45 Min Lunch)

Cost: \$205 (\$45 due at Registration)

Location: Dimond Park Aquatic Center



Augustus Brown Swimming Pool

1619 Glacier Ave | 586-0839

August-
November 2021

This calendar does not include facility closures for swim meets, holidays, etc.								Effective August 9th, 2021	
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Time	
5:30-6:00am	Half Lap Swim (3 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Closed	Closed	5:30-6:00am	
6:00-6:30am								6:00-6:30am	
6:30-7:00am								6:30-7:00am	
7:00-7:30am								7:00-7:30am	
7:30-8:00am								7:30-8:00am	
8:00-8:30am	8:00-8:30am								
8:30-9:00am	8:30-9:00am								
9:00-9:30am	9:00-9:30am								
9:30-10:00am	9:30-10:00am								
10:00-10:30am	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Closed	Closed	10:00-10:30am	
10:30am-11am								10:30am-11am	
11:00-11:30am								11:00-11:30am	
11:30am-12pm								11:30am-12pm	
12:00-12:30pm								12:00-12:30pm	
12:30-1:00pm								12:30-1:00pm	
1:00-1:30pm								1:00-1:30pm	
1:30-2:00pm								1:30-2:00pm	
2:00-2:30pm								2:00-2:30pm	
2:30-3:00pm								2:30-3:00pm	
3:00-3:30pm								3:00-3:30pm	
3:30-4:00pm	3:30-4:00pm								
4:00-4:30pm	Rec Pool Open 1 Lane Open for Public	Rec Pool Open 1 Lane Open for Public	Rec Pool Open 1 Lane Open for Public	Rec Pool Open 1 Lane Open for Public	Rec Pool Open 1 Lane Open for Public	Closed	Closed	4:00-4:30pm	
4:30-5:00pm								4:30-5:00pm	
5:00-5:30pm								5:00-5:30pm	
5:30-6:00pm								5:30-6:00pm	
6:00-6:30pm								6:00-6:30pm	
6:30-7:00pm	Half Lap Swim (3 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Moon Light Swim Low Dive & Climbing Wall Rec Pool Open	Closed	Closed	6:30-7:00pm	
7:00-7:30pm								7:00-7:30pm	
7:30-8:00pm								7:30-8:00pm	
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		

Legend	
Green	Lap Swim/Open Rec
Pink	Modified Lap/Open Swim
Grey	Closed

Swim Descriptions	
Lap Swim/General Rec	All 6 lanes are open for lap swimming. The leisure pool is open for general recreation.
Modified Lap/Open Swim	1 to 3 Lanes will be open for lap swimming. The leisure pool is open for general recreation.
Open Swim	Low Dive and/or Climbing Wall Open.
Closed	Entire facility closed. Building must be vacated.

For the most up to date facility schedules, please visit juneaupools.org



Dimond Park Aquatic Center

3045 Dimond Park Loop | 586-0839

August-
November 2021

This calendar does not include facility closures for swim meets, holidays, etc.							Effective August 9th, 2021		
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Time	
5:30-6:00am	Modified Lap Swim (3 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (3 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (3 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (3 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (3 Lanes Open to Public) Rec Pool Open	CLOSED	CLOSED	5:30-6:00am	
6:00-6:30am								6:00-6:30am	
6:30-7:00am								6:30-7:00am	
7:00-7:30am								7:00-7:30am	
7:30-8:00am	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open			Modified Lap Swim (4 Lanes Open to Public) Rec Pool Open	7:30-8:00am
8:00-8:30am									8:00-8:30am
8:30-9:00am									8:30-9:00am
9:00-9:30am									9:00-9:30am
9:30-10:00am	ONLY Water Walking In Current Channel 9-10:30am	ONLY Water Walking In Current Channel 9-10:30am	ONLY Water Walking In Current Channel 9-10:30am	ONLY Water Walking In Current Channel 9-10:30am	ONLY Water Walking In Current Channel 9-10:30am	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	Full Lap Swim Rec Pool Open	9:30-10:00am	
10:00-10:30am								10:00-10:30am	
10:30am-11am	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	Full Lap Swim Rec Pool Open	10:30am-11am	
11:00-11:30am								11:00-11:30am	
11:30am-12pm								11:30am-12pm	
12:00-12:30pm								12:00-12:30pm	
12:30-1:00pm	CLOSED - MAINTENANCE	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	12:30-1:00pm	
1:00-1:30pm								1:00-1:30pm	
1:30-2:00pm								1:30-2:00pm	
2:00-2:30pm								2:00-2:30pm	
2:30-3:00pm	Modified Lap Swim (2 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (2 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (2 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (2 Lanes Open to Public) Rec Pool Open	Modified Lap Swim (2 Lanes Open to Public) Rec Pool Open	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	2:30-3:00pm	
3:00-3:30pm								3:00-3:30pm	
3:30-4:00pm								3:30-4:00pm	
4:00-4:30pm								4:00-4:30pm	
4:30-5:00pm	CLOSED - SAFETY BREAK	CLOSED - SAFETY BREAK	CLOSED - SAFETY BREAK	CLOSED - SAFETY BREAK	CLOSED - SAFETY BREAK	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	4:30-5:00pm	
5:00-5:30pm								5:00-5:30pm	
5:30-6:00pm								5:30-6:00pm	
6:00-6:30pm								6:00-6:30pm	
6:30-7:00pm	Lap Swim (6 Lanes) Rec Pool Open w/ Spray Features ON	Modified Lap Swim (4 Lanes Open to Public) Rec Pool Open	Lap Swim (6 Lanes) Rec Pool Open w/ Spray Features ON	Modified Lap Swim (4 Lanes Open to Public) Rec Pool Open	Lap Swim (4 Lanes) Open Swim w/ Low Dive + Red Slide	CLOSED	CLOSED	6:30-7:00pm	
7:00-7:30pm								7:00-7:30pm	
7:30-8:00pm								7:30-8:00pm	

Legend	
Green	Lap Swim/Open Rec
Pink	Modified Lap Swim
Blue	Lunch Bunch
Orange	Open Swim
Yellow	Modified Open Swim
Grey	Closed

Swim Descriptions	
Lap Swim/Open Rec	All 8 lanes are open for lap swimming. The leisure pool is open for general recreation.
Modified Lap Swim	2 - 4 lanes are open for lap swimming. The leisure pool is open for general recreation.
Lunch Bunch	All 8 lanes are open for lap swimming. The leisure pool is open for general recreation and the spray features are on.
Open Swim	Open swim w/ spray features, red slide, and low diving board. 4 lanes are open for lap swimming.
Modified Open Swim	6 lanes are open for lap swimming. The leisure pool is open for general recreation and the spray features are on.
Closed	Entire facility closed. Building must be vacated.

For the most up to date facility schedules, please visit juneaupools.org



TO: CBJ Aquatics Board
FROM: George Schaaf, Parks & Recreation Director
CC: Sherri Layne, Assistant Municipal Attorney
DATE: July 26, 2021
RE: Commercial Use Regulations

Per CBJ 67.10.020(a)(3), the Aquatics Board may adopt regulations necessary for the administration of the aquatics facilities under the board's management. The Aquatics Board also approves a schedule of fees and charges for use of aquatic facilities pursuant to CBJ 67.10.090. Since 2018, the Aquatics Board has been working to adopt regulations regarding commercial use of municipal aquatics facilities. At its regular meeting on June 22, 2021, the Board directed staff to move forward with public notice of its proposed regulations pursuant to CBJ 01.60

Based on earlier guidance from the Law Department, the Aquatics Board postponed consideration of fees until after commercial use regulations are adopted. Upon further review, the Law Department has now determined that the regulations cannot move forward for public comment unless they are accompanied by a fee proposal from the Aquatics Board.

Aquatics staff recommend the following fees for commercial use of aquatics facilities:

<u>Application Fee (one-time):</u>	\$100
<u>Permit Fee:</u>	\$0

The Application Fee represents the estimated cost to process a permit application. Staff do not recommend charging a Permit Fee at this time because the cost of collecting such a fee would likely exceed the revenue collected due to the limited scale of commercial use. Under the proposed regulations, all users engaged in commercial activities would be required to pay daily admission or hold a valid pass.

I recommend you approve these fees at the next regular meeting on July 27, 2021.

Chapter 01 - COMMERCIAL USE OF MUNICIPAL AQUATICS FACILITIES

11 CBJAC 02.010 - Policy.

The policy of the City and Borough of Juneau concerning the commercial use of municipal aquatics facilities is to:

- (a) Maintain and improve aquatics facilities for their primary use by the public;
- (b) Offer aquatics programs and lessons that respond to community needs and meet high standards for training, quality, and safety;
- (c) Establish consistent rules and conditions for the commercial use of municipal aquatics facilities; and
- (d) Charge for commercial use of municipal aquatics facilities in order to generate a fair and reasonable return for the public.

(Eff. xx/xx/xx)

11 CBJAC 01.020 - Facilities regulated.

These regulations apply to all municipally owned aquatics facilities, including the grounds of such facilities.

(Eff. xx/xx/xx)

11 CBJAC 01.030 - Permit required.

- (a) No person may conduct commercial activities in facilities subject to these regulations except as authorized by a permit issued by the ~~Director of the Parks and Recreation Department~~Aquatics Manager. A permit under this chapter is not required for activities conducted by an organization under an agreement with the City and Borough.
- (b) The ~~Director~~Aquatics Manager may issue a permit for commercial activities only upon a determination that the proposed use:
 - (1) Will not damage or degrade the facility or impair the public's enjoyment of the facility;
 - (2) Will not endanger the public health, safety, and welfare; and
 - (3) Is consistent with ~~established policies~~facility rules and standard operating procedures.
- (c) A permit may include reasonable conditions, including limitations as to time, area, equipment, parking, noise, training, certification, insurance, and other factors.
- (d) If the cumulative impact of proposed uses would exceed the appropriate level of commercial use for the facility, the ~~Aquatics Manager~~Director shall not award any permits for that facility until the following procedure is followed:
 - (1) The ~~Aquatics Manager~~Director shall notify all members of any group of applicants whose applications, taken together, propose uses that would exceed the appropriate level of commercial use for a facility. The notice shall identify the nature and extent of the impacts exceeding the appropriate level of use, and shall invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.

- (2) The applicants may re-submit their applications, which may be granted if the [Aquatics Manager Director](#) finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section.
- (3) If excess use issues remain unresolved, the [Aquatics Manager Director](#) shall determine which of the proposals offers the greatest benefit to the public and maximum value to the City and Borough. In making this determination, the [Aquatics Manager Director](#) shall consider past performance, impacts of the activity, mitigation, whether the applicants are responsive and responsible, and the policies set forth in 11 CBJAC 02.010.
- (4) The [Aquatics Manager's Director's](#) decision may be appealed to the City Manager by filing a notice of appeal with the Clerk's Office within 10 days of the [Aquatics Manager's Director's](#) decision, setting forth the reasons for the appeal. The City Manager will take up the appeal within 10 days. The City Manager's decision to deny a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).
- (e) A permit is transferable only with the permittee's entire business interest in activities conducted under the permit and only to a person who has successfully completed the permit application process. No credit will be given for any permit payments made by the previous holder of the permit.
- (f) No permit shall be issued to any person or entity delinquent in the payment of fines, taxes or other monies owed to the City and Borough.

(Eff. xx/xx/xx)

11 CBJAC 01.040 - Application process.

- (a) *General requirements.*
- (1) Applications for permits will be accepted only from persons who have the legal authority to act in accordance with the permit. All applications must be signed by the owner(s) of the business to be subject to the permit.
 - (2) All applications for permits must be on forms provided by the department. Applications will not be considered unless they are complete, signed, accompanied by the applicable fee, and filed together with any required attachments or exhibits at the offices of the Parks and Recreation Department during regular business hours.
- (b) *Application information.*
- (1) *Applicant information.*
 - (A) The application shall identify each individual or business entity responsible for the use intended;
 - (B) The application shall include the physical address, mailing address, and phone number for each person, owner, and company responsible for the use intended;
 - (2) *Proposed use.*
 - (A) The application shall include a description of each proposed use, providing sufficient detail to allow the Department to determine the effect of the use on the facility and impacts, if any, to the public;
 - (D) The application shall include a description of the maximum number of customers anticipated on a daily, monthly, and annual basis.
 - (3) *Fees to be charged by permit holder.*

- (A) The application shall include a schedule of fees and charges to customers and a description of any collection, disbursement, royalty, commission or similar arrangements with others.

(Eff. xx/xx/xx)

11 CBJAC 01.050 - Permit fees.

(a) Application Fee

- (1) The applicant shall pay a nonrefundable fee, established by the manager, which fee is intended to recover the full cost of processing the application for a commercial use permit.

(b) Permit Fee

- (1) The applicant shall pay a fee, established by the CBJ Aquatics Board, which fee will give the City & Borough of Juneau a fair and reasonable return in light of the cost of administering the activity permitted under the permit, the impact of the proposed activity on the facility, the cost of any improvements required, and the value of the benefit conferred upon the user.

- (c) Standard admission fees shall be paid by all persons engaged in the authorized activity, including the permittee. Annual passes, employee discounts, punch cards, and other passes are valid for commercial activities.

- (d) Fees shall be calculated on a daily basis, per person. The fee shall be paid to the Department by the 15th day of each month for fees owed in the previous calendar month. All payments shall be accompanied by a completed activity report on a form provided by the Department. Fees and charges not paid by the 15th day of each month will be considered delinquent and subject to the interest provisions established in CBJ Code 1.41.

(Eff. xx/xx/xx)

11 CBJAC 01.060 - Insurance and indemnification.

Prior to issuance of a permit, the permittee must provide the Department with a broker's certificate of insurance showing that the permittee has obtained public liability insurance in the amount and for the risks determined by the risk manager of the City and Borough of Juneau for the proposed use. The certificate must establish that the City and Borough is named as an additional insured on the policy, and that the insurer shall notify the City and Borough if the policy is modified, canceled, or terminated.

Permittees, upon acceptance of a permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City and Borough of Juneau from any and all claims for injury or damage to persons or property suffered in connection with the permittee's activities unless such injury or damage is caused by the gross negligence of the City and Borough of Juneau.

(Eff. xx/xx/xx)

11 CBJAC 01.070 - Permit duration.

- (a) Permits may be authorized for a maximum of one (1) year from the date of issue.
- (b) Permits are valid only for the dates, times, activities and facilities specified.
- (c) Permits are not renewable. Issuance of a permit shall not entitle the permit holder to any priority or preferential consideration for subsequent, new, or additional permits for the same or related uses or areas. A new application must be submitted each permit period, for each permit.

- (d) The [Aquatics Manager director](#) may issue a temporary permit at any time, valid for no more than 30 days and not renewable. The application process for a temporary permit shall be the same as the other permits.

(Eff. xx/xx/xx)

11 CBJAC 01.080 - General operating requirements.

- (a) Permittees shall have a copy of the permit available for inspection while engaged in activities authorized by the permit.
- (b) Permittees are responsible for their actions and those of their agents, employees, and/or customers while engaged in permitted activities. The following operating requirements apply to activities conducted under the permit unless otherwise specified in a permit.
 - (1) Commercial use of aquatics facilities shall be limited to public swim periods.
 - (2) No advertising or solicitation is permitted within any municipal aquatics facility.
 - (3) No alterations or improvements to the facility are allowed, nor may anything be posted or signs of any kind be displayed in the facility.
 - (4) The permit holder shall promptly notify the Aquatics Manager of any accident, injury or claim relating to the permitted activity.
 - (5) The permit holder shall promptly notify the Aquatics Manager of any repair or maintenance needed within the facility, or of any conditions which constitute a hazard. The permit holder shall not make any repairs or alterations to the facility.
 - (6) Permit holders shall comply with all CBJ policies, rules and regulations; as well as all applicable state, federal, and local laws.
 - (7) Permit holders shall properly dispose of all litter resulting from their use of the facility.
 - (8) The permit holder shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee, their clients, or their use of the facility, including cleaning costs.
 - (9) No equipment or supplies may be stored at any municipal facility.
 - (10) No pets shall use an aquatics facility.

(Eff. xx/xx/xx)

11 CBJAC 01.090 - Enforcement and penalties.

- (a) A permit may be suspended by the [Aquatics Manager director](#) without advance notice for a period not to exceed ten days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety.
- (b) A permit may be suspended or revoked by the [Aquatics Manager Director](#) upon a written finding that the permittee has violated these regulations, failed to comply with permit conditions, engaged in fraud or negligence, or misrepresented the nature and substance of the commercial activity. The permittee shall be provided at least 10 days' notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The [Aquatics Manager's Director's](#) decision may be appealed to the City Manager by filing a notice of appeal with the Clerk's Office within 10 days of the [Aquatics Manager's Director's](#) decision, setting forth the reasons for the appeal. The City Manager will take up the appeal within 10 days. The City Manager's decision to deny a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).

(Eff. xx/xx/xx)

11 CBJAC 01.100 - Definitions.

As used in this chapter:

"Commercial use" [and] "commercial purpose" mean the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration. The term includes a service offered in conjunction with another sale of goods or services whether or not it is incidental to, advertised with, or specifically offered in the other sale. All instruction, lessons, classes, and other services are commercial activities if any payment or valuable consideration through barter, trade, cash or other commercial means is required, expected or received.

"Department" means the City and Borough of Juneau Parks and Recreation Department.

~~"Director" means the supervisor of the City and Borough of Juneau Parks and Recreation Department or such person as may be designated by the manager to administer these regulations.~~

"Municipal aquatics facilities" [and] "pools" mean all swimming pools and related buildings and grounds owned by the City & Borough of Juneau.

"Permittee" or "permit holder" means the business entity or its authorized representative conducting commercial activities in an aquatic facility according to a permit issued under these regulations.

"Person" means a natural person, firm, partnership, corporation, association, or other entity organized for a common purpose.

(Eff. xx/xx/xx)