



DOCKS AND HARBORS BOARD AGENDA

June 29, 2023 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

<https://juneau.zoom.us/j/89311642798> or 1-253-215-8782 Meeting ID: 893 1164 2798 Passcode: 189341

- A. CALL TO ORDER (5:00pm in CBJ Room 224 & Via Zoom)**
- B. ROLL CALL (James Becker, Paul Grant, Debbie Hart, David Larkin, Matthew Leither, Mark Ridgway, Annette Smith, and Don Etheridge)**
- C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES**
MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED.
- D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (not to exceed five minutes per person, or twenty minutes total time)**
- E. APPROVAL OF MINUTES**
 - 1. Approval of May 25th, 2023 Board Minutes
- F. NEW BUSINESS**
 - 2. Transfer of \$1.5M from Statter CIP to Aurora Harbor CIP

Presentation by Port Engineer

Board Questions

Public Comment

Board Discussion & Action

MOTION: TO TRANSFER \$1,500,000 FROM CIP H51-125 AURORA HARBOR IMPROVEMENTS TO CIP H51-108 STATTER HARBOR IMPROVEMENTS PHASE III
- G. ITEMS FOR INFORMATION/DISCUSSION**
 - 3. DIPAC Property Line – Nonconformance

Presentation by Port Engineer

Board Discussion/Public Comment
 - 4. Downtown Safety Rail - Correspondence

Presentation by the Harbormaster

Board Discussion/Public Comment
 - 5. Annual July Board Meeting - Preparation

Presentation by the Board Chair/Harbormaster

Board Discussion/Public Comment
- H. COMMITTEE AND MEMBER REPORTS**
 - 1. Operations Committee Meeting Report

2. Assembly Lands Committee Liaison Report
3. South Douglas/West Juneau Liaison Report
4. Member Reports

I. PORT ENGINEER'S REPORT

J. HARBORMASTER'S REPORT

K. ASSEMBLY LIAISON REPORT

L. BOARD ADMINISTRATIVE MATTERS

- a. Operations Committee Meeting - Wednesday July 19th, 2023
- b. Board Meeting - Thursday July 27th, 2023

M. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES

For Thursday, May 25th, 2023

In CBJ Room 224 & Via Zoom

(Zoom recording had intermittent connection issues in the beginning of the meeting)

- A. Call to Order** – Mr. Etheridge called the May 25th meeting to order at 5:00 p.m. in City Hall Room 224 & via Zoom.
- B. Roll Call** – The following members attended in person or via Zoom: James Becker, Paul Grant, Matthew Leither, Mark Ridgway, Annette Smith (arrived @ 5:29pm via zoom), and Don Etheridge.

Also in attendance – Mr. Uchytel – Port Director, Matthew Sill – Port Engineer, Matthew Creswell – Harbormaster, and Teena Larson – Administrative Officer.

Absent – David Larkin, and Debbie Hart.

C. Approval of Agenda

MOTION by MR. RIDGWAY: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

D. Public Participation on Non-Agenda Items -None

- E. Approval of April 27th, 2023 Board minutes** – Hearing no objection the April 27th meeting minutes were approved as presented.

F. Consent Agenda –

- A. Public Requests for Consent Agenda Changes - None
 B. Board Members Requests for Consent Agenda Changes - None
 C. Items for Action

1. Harbor Rate Increase – Next Steps

RECOMMENDATION: TO INCREASE ALL APPLICABLE DOCKS & HARBORS FEES 9% EFFECTIVE JANUARY 2024.

2. Aurora Phase IV Funding Strategy

RECOMMENDATION: TO COMMIT \$5M OF LOCAL MATCH TO THE ADOT HARBOR FACILITY GRANT APPLICATION FOR AURORA HARBOR PHASE IV.

MOTION By MR. RIDGWAY: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

G. New Business

1. Boat Shelter Sale – Board Right-of-First Refusal to Purchase.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

Mr. Uchytel said there are a total of 21 boat shelters in Aurora Harbor. In the packet on page 47 is a memo which shows the regulation pertaining to the boat shelter sales. An owner of a boat shelter is required to offer the Board the right of first refusal to purchase the shelter at fair market value. The Board has a 30-day period to exercise this right. There was no interest from past Boards to purchase a boat shelter.

Board Questions

Mr. Bryson asked if this was owned by the City could it become a revenue generator? The Assembly would support anything being revenue positive right now.

Mr. Etheridge said the concern with the condition of the shelters is the liability.

Mr. Ridgway asked if the only reason for this to be in regulation is so Docks & Harbors could purchase it if they wanted to?

Mr. Etheridge said that is the only reason he knows.

Mr. Uchytel said another reason could be to notify the Assessor’s office of a sale. He said Mr. Creswell is working on a rack card for what you need to know for being a boat shelter owner. Staff is following what is in regulation.

Mr. Grant asked if staff would want one or two boat shelters for Docks & Harbors equipment?

Mr. Creswell said he would have a hard time buying an old shelter and have one more thing for his staff to work on.

Public Comment - None

Board Discussion & Action

MOTION By MR. RIDGWAY: TO WAIVE THE DOCKS & HARBORS BOARD RIGHT-OF-FIRST REFUSAL TO PURCHASE BOAT SHELTER AE-20 AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

H. Items for Information/Discussion

5. UAS Property/Boatyard Status – Update

Mr. Uchytel said on page 48 in the packet is the City Manager’s memo to the Assembly Committee of the Whole. He said page 49 and 50 is his memo to the Assembly COW. Page 51 in the packet was the original Draft UAS lease agreement the Board saw in February and page 54 is the updated lease agreement with the Educational Benefits being changed on page 55. Eaglecrest wanted to limit the incentives and specified in detail what they were willing to offer under C (1). The University has received the changed lease agreement but has not responded to a yes or no to the changes.

Board Discussion

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

Mr. Becker asked if UAS will be working to figure out what they want to do after the four years or are they working on it now?

Mr. Uchytel said he is unsure?

Mr. Grant asked about number four in Mr. Watts memo, agree that the \$2M that was previously allocated for purchase of the property can be used for capital improvements to a new location, has this happened, or do we need to ask the Assembly, and they should agree to this. The \$2M could be a head start on a new boat yard.

Mr. Bryson commented that he believes the Assembly will support the Board if you can find another solution for the boat yard. Docks & Harbors needs a piece of property that is a revenue generator and not just an expense.

Mr. Uchytel commented that he believes UAS does want to get rid of this property and move their activities from downtown to a central campus so the idea is that in four years from now they will have figured out the funding and the new chancellor can stamp her vision on how this will work. At that point they would consider the whole parcel for sale. The Assembly will also say we need to look for an alternative location during this time as well. However, the City wants this property when UAS vacates it. It is a connection to the High School, connects our two harbors, and has waterfront access.

Mr. Ridgway asked if the City Manager or the Assembly should continue the negotiations with UAS? This may be beyond the Board's negotiating ability.

Mr. Uchytel said the reason it is going to take four years, is it is going to take time to move their programs to other facilities when they do not have money to build new facilities.

Mr. Etheridge commented that during negotiations, other properties were suggested to trade, but UAS wanted nothing at that time. He said Mr. Watt was involved with the initial negotiations.

Mr. Ridgway said regardless of the outcome, we should still look for other locations for the boat yard. He would like a sub-committee to set up after July 1st to work on this topic.

The recording was interrupted due to connectivity, it was restarted in CBJ Room 224.

Mr. Grant commented that he is unsure what to do. Should we take the \$2M to look for another location or just let it sit for now.

Mr. Bryson said the Assembly wants to provide flexibility for the Board and they were not pleased with UAS. The \$2M is left there so it could be an option to look for another location. He also suggested to still communicate with UAS and have a couple Assembly members reach out to UAS to have a joint meeting. He would like to take this to the Mayor to see if the Assembly could help with direction with this land property acquisition.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

Mr. Grant asked if we used the \$2M on a different location, how far would it get us? Mr. Uchytel said there is the old Northland landing which is 1.82 acres and leased to the Smith Brothers. The next parcel is assessed at \$1.5M. The parcel that we own does not have any uplands.

Mr. Ridgway commented that the four years are going to go quickly and we need to get working on this.

Mr. Becker commented if we are going to move he suggested the Little Rock Dump location.

Mr. Leither asked what the price quote was for a haul out facility at the Little Rock Dump?

Mr. Uchytel said today it is probably close to \$50M.

Public Comment - None

6. Downtown Boatyard Status – Update

Mr. Uchytel said moving forward with signing the four-year extension with the University, the sub-leases also expire, CBJ Law indicated we can offer a preferential extension to them. Page 61 in the packet is a letter he wrote to Mr. Duvernay, owner of the boat yard lease. Because our lease cost increased, it is reasonable to increase the sub-leases to help absorb the expense. He put in the letter the fair market value of \$120,000 for the uplands from the Horan appraisal. On page 53 in the packet is the Horan appraisal. Part of the boat yard lease is the travel lift, pier, and float which are not included in the fair market value. Mr. Duvernay leases the area on the map depicted lease parcel C plus the access corridor. The letter also indicated the desire for Mr. Duvernay to secure all the necessary permits as part of the lease extension. There will still need to be some negotiations with the maintenance responsibility.

Mr. Duvernay said he is here tonight to talk about his operations and he expressed his interest in continuing to lease the boat yard for the next four years. He said it is difficult to plan and operate a business when dealing with a short-term lease. He would like to help find another location or do what we can to secure the existing location. Ideally he would like to find a location with a greater lay down area. He would like to discuss with Mr. Uchytel, not in a public setting, the DEC permitting and SWPPP plans to see what those will entail.

Mr. Uchytel said a lot can be discussed at my level, but in the past the Board has shown interest in negotiating or participating in the decision making. He offered to the Board any member that wanted to participate could. He wanted to craft a fair and equitable agreement.

Mr Duvernay indicated that all the Board members were welcome, but he pointed out that some of the topics to discuss are more confidential at this stage. Beyond that, discussing in public would be fine.

Mr. Etheridge recommended Mr. Uchytel work one on one with Mr. Duvernay.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

Mr. Uchytel said he would work with Mr. Duvernay on an agreement and bring it back to the Board for review.

Board Discussion - None

Public Comment - None

7. Board Recruitment Efforts

Mr. Uchytel said in the packet on page 62 and 63 is the Enterprise Board Appointment Process that was provided at the Operations meeting last week. He said the Board has four openings. Two incumbents are reapplying so there will be two new Board members starting July. He encourages the Board members to get the word out to good applicants.

Board Discussion - None

Public Comment - None

I. Staff, Committee and Member Reports

J. Port Engineer's Report

Mr. Sill reported –

- He is working on the final change order to close out the Marine Park Deck over project. The changes came in at 1.4% over the total bid. We are currently working with the Long Shoreman for the placement of the capstan on the bollard.
- Aurora Harbor phase III rebuild project. He sent the contract to process a PO so we will be able to start the project in the next few days. The schedule may look better than originally thought. The float construction may be moved up to be able to install in the September/October time frame but there is still a lot of uncertainty there. The electrical components are still a long wait with an estimated time frame of 17 months.
- Statter Restroom Project – There are three weeks until the revised substantial completion deadline. There will be a ribbon cutting event on June 16th. The construction has caused conflicts with the bus operations but they are working through the problems. Dawson is making good progress.
- There is no update on the Harris Security gate at this time.

K. Harbormaster's Report

Mr. Creswell reported –

- May 5th was the Maritime Festival and the Blessing of the Fleet. This was well attended and well received by the public. We also had three large cruise ships in on that day.
- Working with staff on the delay of the Statter Harbor Restroom project. He has been routing and rerouting around the construction which has been requiring a lot of staff time.
- The summer season prep is nearly complete. Staff has been pressure washing and getting the Harbors all cleaned up.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

- We are still hiring, there are five Part Time Limited positions, one Benefitted Harbor Tech, and two Administration positions.
- Summer Office hours – Statter Harbor is open seven days a week – 8 to 5 week days, and 8 – 4:30 weekends. Aurora Harbor is open six days a week – 8 to 4:30.
- Staff is enforcing the ten day move rule at Statter Harbor. It has been fairly well received and people have been understanding for the most part. Anyone not able to comply is required to put a request for an extension in writing. On June 1st, 40 to 50 letters will go out to Harris patrons out of compliance that have not moved.

Mr. Becker asked how the operations at the ABLF are going?

Mr. Creswell said it is going well.

Mr. Leither asked what the process was for the ten day move rule notifications.

Mr. Creswell said prior to the season, everyone that had their boat in Statter last summer received a letter stating the ten day move rule and if you are not in compliance what will happen. When a vessel is getting close, they get a phone call and we work with them with a day or two but if they are not in compliance, they are assessed the additional fees.

Mr. Ridgway asked about the house boats that do not move.

Mr. Creswell said they are in the non-moving vessel zone stated in regulation. They are granted permission to be in that zone.

L. Port Director's Report

Mr. Uchtyl reported –

- In the packet is the letter to DOT asking for a waiver allowing us to reapply without having the current project closed out. He is expecting an answer next week.
- The June 16th ribbon cutting ceremony will start at 11am. Any Board or Assembly members is welcome to speak. The customer appreciation hot dog cookout will follow.
- Mr. Creswell has been working with the Army divers which is an annual event. Staff is finding opportunities for the Army and Coast Guard divers to work on under water inspections and small salvage projects.
- At the AJT Mining Properties lease, next to the old Thane Ore House property, NORTECH has been working on a soil sampling of a diesel fuel spill find. Staff received the report for the environmental sampling and the results exceeded the State's regulated levels. Mr. Uchtyl sent the report to Alec Mesdag with AELP who is the lease holder of this area. Dock & Harbors is the owner of the property, we lease to AJT Mining, and they sub-lease to Tlingit and Haida. He plans to meet with Alec Mesdag and NORTECH to figure out the remediation or monitoring plan and communicate that plan to DEC.

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES (CONTINUED)
For Thursday, May 25th, 2023

Mr. Ridgway asked if the only thing done at the old Thane Ore House site after five years of leasing is that the building has been burned down? How many acres is this area? Does Tlingit & Haida have other leases in this area?

Mr. Uchytel said yes, the only thing they had done is burned the building down. The old Thane Ore House property is 1.28 acres. Tlingit and Haida also has a Sub-lease with AJT Mining Properties (AELP). The diesel fuel spill site is on the AJT lease area.

Mr. Grant asked if the duration of the lease and sub-lease are the same?

Ms. Larson said the AJT lease expires in 2039 and the rent is \$11,000 annually. The Tlingit and Haida lease expires in 2051 and the rent for that is \$9,500 annually.

M. Assembly Liaison Report

Mr. Bryson reported –

- The Assembly is underway with the new City Manager recruiting. We are looking for someone connected to Southeast or has a similar experience.
- The Assembly is also looking for members to serve on the Board of Equalization. This is a paid position.
- Public Works and Facilities held a N. Douglas Crossing listening session last week. There is still great community interest across the board for no build to build out Mendenhall Peninsula. There were 30 people testify in person and 35 online. There was about 30 different perspectives.
- There was a lively discussion at the COW meeting on Monday about the UAS lease. He believes the Assembly will support any decision the Board makes on that piece of property.

Mr. Becker asked what was the most popular from the five bridge location options?

Mr. Bryson said no single option is the front runner.

Mr. Ridgway commented the property he is looking at for a possible new boat yard may be the property proposed for the second crossing bridge location.

N. Board Administrative Matters

- a. Next Regular Board Meeting – Thursday June 29th, 2023.
Mr. Grant said he will not be attending this meeting.

O. Adjournment – The meeting adjourned at 6:28pm.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: *Carl J Uchytel*
Carl Uchytel, Port Director

To: City & Borough of Juneau Assembly

Via: (1) Docks & Harbors Operations & Planning Committee
(2) Docks & Harbors Board

Date: February 10th, 2023

Re: Funds Transfer Request – Housekeeping & Aurora Harbor Phase III

1. Docks & Harbors, working in collaboration with the Finance Department, needs to execute administrative actions to advertise and award a contract for the Aurora Harbor Phase III project in a timely manner. We are anticipating a \$4M construction project by leveraging \$2M in local match with \$2M from an ADOT Harbor Facility Grant. We were formally notified on July 13th, 2022 that we were the recipient of the \$2M ADOT grant and that we had six months to complete a grant agreement contract. We requested and received an extension to July 31st which requires Docks & Harbors to award a construction contract for the project. We are on track for the Assembly to approve a bid award on March 20th for the Aurora Harbor Phase III project.
2. The local match will be achieved through \$1M from the Harbor Fund Balance, which has already been transferred into the Capital Improvement Project (CIP H51-125); and, \$1.5M from the voter approved 2017 One-Percent Sales Tax Initiative. The challenge with the funding from the 1% Sales Tax is that, due to annual apportioning, these funds will not be available until July 1st, 2023. In order to meet our desire for a bid award in March, I am recommending that funds be temporarily transferred from another harbor CIP and then refreshed with the funds in FY24 when the funds are made available from the CBJ Treasury. The governing philosophy is that we cannot award a project without sufficient funds even though funds will be available prior to the contractor mobilizing on site. There is no risk that the \$1.5M will not be available to Docks & Harbors on July 1st, 2023 – at the start of FY24.
3. CBJ protocol allows projects with a balance to administratively transfer fund to another project via Assembly action. To achieve the necessary cash flow, Docks & Harbors staff is recommending closing our completed CIP for Pile Anode Installation and then transferring those funds into the Statter Improvement Phase III. We then transfer \$1.5M from the Statter Improvement to the Aurora Harbor CIP. In July 2023, \$1.5M of 1% Sales Tax will be made available to the Aurora Harbor Phase III project, and \$1.5M that was temporarily transferred from Statter Improvement Phase III will be transferred back to support remaining project work. Even though the Statter Improvement Phase III project is currently under construction, I am confident we can manage through substantial completion (May 15th) even with the funds transferred as proposed. In tabular form these are the desired administrative actions:

<i>Action</i>	<i>Amount</i>	<i>From</i>	<i>To</i>
Transfer	\$54,731.48	H51-121 Pile Anode Installation [Close out due to successful project completion]	H51-108 Statter Improvement Ph III [Funds Available after transfer \$1,579,898]
Transfer	\$1,500,000	H51-108 Statter Improvement Ph III [Funds Available \$79,898]	H51-125 Aurora Harbor Improvements [Funds Available after transfer \$2,135,869]
Appropriation FY24	\$1,500,000	CBJ Treasury - 1 July 2023	H51-125 Aurora Harbor Improvements [Funds Available after transfer \$3,635,869]
Transfer	\$1,500,000	H51-125 Aurora Harbor Improvements [Fund Available after transfer \$2,135,869]	H51-108 Statter Improvements Ph III [Funds Available after transfer \$1,579,898]

2. I recommend the Docks & Harbors Board approve the above transfer and recommend the Assembly adopt the appropriate ordinance.

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Copy: CBJ Finance Department

Transfer Ordinance 2023-14(b)(A)
Manager's Report

An Ordinance Transferring \$1,500,000 from CIP H51-125 Aurora Harbor Improvements to CIP H51-108 Statter Harbor Improvements Phase III.

Docks & Harbors was awarded a \$2 million grant from the Alaska Department of Transportation and Public Facilities' Municipal Harbor Facility Grants Program. The required 50% local match was provided by the 2017 1% Sales Tax Initiative (\$1.5 million) and Harbor fund balance (\$1 million). The allocation of \$1.5 million of 1% Sales Tax was not scheduled until FY24. In March 2023, to execute a bid award to complete project work by the end of the summer, Docks & Harbors requested to temporarily transfer funding from the Statter Harbor Improvements Phase III CIP to the Aurora Harbor Improvements CIP. The 1% Sales Tax funding became available for the Aurora Harbor Improvements CIP on July 1, 2023. This transfer would return the temporary funding for Aurora Harbor back to Statter Harbor.

The Docks and Harbors Board reviewed this request at the June 29, 2023 meeting.

The City Manager recommends this ordinance be introduced and set for public hearing at the next Assembly meeting.

Presented by: The Manager
Introduced: July 10, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-14(b)(A)

An Ordinance Transferring \$1,500,000 from CIP H51-125 Aurora Harbor Improvements to CIP H51-108 Statter Harbor Improvements Phase III.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Transfer of Appropriation. It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$1,500,000 be transferred:

From: CIP

H51-125 Aurora Harbor Improvements (\$ 1,500,000)

To: CIP

H51-108 Statter Harbor Improvements Phase III \$ 1,500,000

Section 3. Source of Funds.

General Funds \$ 1,500,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk





Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: Docks & Harbors Board
To: City & Borough of Juneau Assembly
Date: June xth, 2023
Re: Downtown Safety Railings

The Docks & Harbors Board is concerned that CBJ is exposed to unnecessary risks due to the Seawalk not fitted with safety railings from the CT Dock to Marine Park. Prior to construction of the new cruise ship berths in 2017, the face of the dock was a working waterfront in which vessels moored tightly to the bollards along the Seawalk. This created an impractical situation to install and maintain guard/safety railings. With the new pontoon float design and the vessels moved well-off the timber wharf, there is no justification to leave the Seawalk unprotected from potential pedestrian falls of 30+ feet into Juneau Harbor.

Since the completion of the new cruise ship berths, Docks & Harbors has submitted annual Marine Passenger Fee requests for safety railing as a need along the downtown waterfront. As we experience more cruise passengers with greater concentration along the Seawalk, Board members are becoming more apprehensive that this is an exposure which should be mitigated soonest. There is also bona fide need to protect Juneauites who frequent the docks at all hours and during the off-season when weather is less forgiving.

The Board understands a desire to maintain the historic aesthetics of the existing bull rail. However, we encourage examination of the newly constructed safety rails near Marine Park and consider that guardrails provide a good public safety benefit (particularly for elderly and mentally impaired). This design adds a visually pleasant safety element that functionally allows visitors to lean on the top rail and watch the active waterfront.

Docks & Harbors staff estimates that 1300 linear feet of safety rail is needed at a cost of \$2M. The Board is contemplating directing staff to execute \$500K of Dock Enterprise Fund Balance to construct a phase prior to the CY24 cruise ship season.

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Chapter 85.02 DOCKS AND HARBORS BOARD¹

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;

¹Charter reference(s)—Docks and harbors board, § 3.21.

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

- (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, subject to the following limitations:
 - (A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands, housing, and economic development committee and approval by the assembly.
 - (B) Unless otherwise designated in advance by the assembly, 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.
 - (i) Land shall be leased as provided in title 53, 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.
- (b) *Private dock reservations.* The docks and harbors board is authorized to execute a reservation agreement for private docks with the following essential terms:
 - (1) *Scope.* The docks and harbors department may manage reservations, including moorage services, for any privately owned docks within the City and Borough of Juneau.
 - (2) *Priority.* Docks and harbors shall prioritize reservations at municipally owned facilities.
 - (3) *Compensation.* Docks and harbors shall receive fair market value for its services, which shall be determined by the docks and harbors port director.
 - (4) *Liability.* The City and Borough of Juneau is not assuming control, maintenance, or responsibility of any of private property, including, but not limited to, vessels using a private dock or private docks and associated facilities. The City and Borough of Juneau is not responsible for the inability to make a reservation, reservation disruptions, reservation changes, market fluctuations, or vessel relocations.
 - (5) *Public records.* All records received by the docks and harbors department related to public-private agreements are public records and subject to the Alaska Public Records Act and CBJC 01.70.

(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 ; Serial No. 2019-19, § 5, 7-22-2019, eff. 8-22-2019 ; Serial No. 2022-02, § 2, 2-7-2022, eff. 3-10-2022; Serial No. 2022-48(b) , § 3, 1-30-2023, eff. 3-2-2023)

85.02.063 Land management.

- (a) The docks and harbors board should be guided and informed by the City and Borough of Juneau land management plan when making recommendations regarding retention, use, disposal, and development of City and Borough land under the jurisdiction of the docks and harbors board.
- (b) The docks and harbors board shall be guided by the following principles when proposing changes to the land management plan:
 - (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) Property under the jurisdiction of docks and harbors should be leased only for specific water-dependent and water-related uses and not sold.
- (c) When making recommendations about the retention, use, disposal, and development of land under jurisdiction of the docks and harbors board, the board shall consider the following:
- (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 sound and beneficial land use management policy.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2022-48(b) , § 4, 1-30-2023, eff. 3-2-2023)

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.

(Supp. No. 152)

(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:

$$\begin{aligned}
 & \text{[Base rate per registered net ton]} \times \text{[Registered net tonnage]} \\
 & = \text{Port dues per vessel per use of port facilities}
 \end{aligned}$$

- (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

(Supp. No. 152)

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.