



DOCKS AND HARBORS OPERATIONS MEETING AGENDA

October 19, 2023 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

<https://juneau.zoom.us/j/82303086761> or 1-253-215-8782 Webinar ID: 823 0308 6761 Passcode: 090051

- A. CALL TO ORDER (5:00pm in CBJ Room 224 & Via Zoom)**
- B. ROLL CALL (James Becker, Don Etheridge, Paul Grant, Debbie Hart, Matthew Leither, Annette Smith, Shem Sooter, Albert Wall and Mark Ridgway)**
- C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES**
MOTION: TO APPROVED THE AGEND 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. September 20th, 2023 Minutes
- F. UNFINISHED BUSINESS**
 - 2. Title 85 Proposed Changes
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO DIRECT STAFF TO DRAFT CORRESPONDENCE TO ASSEMBLY CONSISTENT WITH COMMITTEE DISCUSSION.
 - 3. Sub-Committee Request: City Community Dock Opportunities
Presentation by Board Member Hart

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO ESTABLISH [OR NOT TO CONVENE] A DOCKS & HARBORS SUB-COMMITTEE TO DETERMINE CITY COMMUNITY DOCK OPPORTUNITIES AS DISCUSSED [OR PRESENTED].
 - 4. Downtown Safety Railing – Funds Tranfer Request
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO COMMENCE PROCESS TO CREATE CAPITAL IMPROVEMENT PROJECT (CIP) AND TRANSFER \$XX FROM THE DOCKS FUND BALANCE

G. NEW BUSINESS

- [5.](#) Resolution 3045 in Support of full funding ADOT Harbor Facility Grant
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY ADOPT RESOLUTION 3045.

- [6.](#) Resolution 3046 in support of increasing maximum ADOT Harbor Facility Grant from \$5M to \$7.5M per applicant
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY ADOPT RESOLUTION 3046.

- [7.](#) Calendar Year 2024 Board Schedule
Presentation by Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO RECOMMEND THE BOARD APPROVE PROPOSED 2024 CALENDAR.

H. ITEMS FOR INFORMATION/DISCUSSION

- [8.](#) Channel Drive Property for Sale on Docks & Harbors Leased Property
Presentation by Port Director

Committee Discussion/Public Comment

- [9.](#) Docks & Harbors Board ByLaws - Proposed Update
Presentation by Board Member Grant/Port Director

Committee Discussion/Public Comment

I. STAFF AND MEMBER REPORTS

J. COMMITTEE ADMINISTRATIVE MATTERS

Next Operations Meeting - Wednesday, November 15th, 2023

K. 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 & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES

Wednesday, September 20th, 2023
 @5:00pm in CBJ Room 224 & Zoom meeting

- A. Call to Order:** Mr. Ridgway called the meeting to order at 5:00pm in CBJ Room 224 and via Zoom.
- B. Roll Call :** The following members were in attendance in CBJ room 224 or via zoom - James Becker, Don Etheridge, Paul Grant, Debbie Hart, Matthew Leither, Annette Smith, and Mark Ridgway.

Absent – Shem Sooter, and Albert Wall

Also in Attendance: Carl Uchtyl – Port Director, Matthew Sill – Port Engineer, Matthew Creswell – Harbormaster, and Teena Larson – Admin Officer.

- C. Port Director requests for Agenda changes** – There were information items added today to the packet posted on Friday. No changes to the packet at this meeting.

MOTION By MR. ETHERIDGE: 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 Minutes**

1. August 23rd, 2023 minutes – Hearing no objection, the minutes were approved as presented.

- F. Unfinished Business**

2. City Manager Proposed Changes to Title 85

Mr. Uchtyl said he is bringing back the documents that Mr. Watt brought to the previous Board meeting. This was brought to the meeting tonight for an opportunity for the Board to discuss the proposed changes, what they mean, and give direction to staff. He put on the agenda as an action item but there may not be any action wanted tonight.

Committee Questions

Mr. Ridgway asked Mr. Uchtyl to talk about the changes and how the red line changes will affect Docks & Harbors in the future.

Mr. Uchtyl said on page 13 in the packet is the first red line item sub-paragraph (a)(1). He said he has heard from Board members asking, “what is broken” , and “how are the proposed changes going to affect Docks & Harbors”. With the removal of “Port”, he believes the intent here is that the City Manager and the Assembly does not want Docks & Harbors doing the marketing for the Cruise Ship Docks. He believes Mr. Watt’s intent with adding the additional sentence is to remove Docks & Harbors Board from anything to do with fee structure, rate setting, scheduling, but still do the day to day operations of the cruise ships docks.

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Ms. Hart said she is trying to understand, “what is broken”, and what are we doing or not doing currently. She asked for past information in regards to the rate setting. She understands that the Assembly did not allow the rates to be increased in the past.

Mr. Uchytel said it was approximately 2005 the last time the rates were raised/changed for the cruise ship docks and they were never linked to CPI. The pushback for raising the dockage fee and the port maintenance fee is from the cruise industry saying our fees are already too high because of the \$13 head tax per passenger which is an order of magnitude greater than what we collect in the dockage and port maintenance fees. There was the lawsuit in 2017 and after the lawsuit, everything seemed to go well. Then there was the pandemic and the Board had concern for Docks & Harbors revenue. The Board was looking at ways to mitigate our losses. This is when we made a recommendation to double the dockage fees and no one with a 99801 zip code would have been affected with the change to this dockage fee. It would have affected the Yachts and the Cruise Ships. After Docks & Harbors did the hearing, the Assembly rejected the increase. The Assembly claimed Docks & Harbors did not do any public outreach. At the same time, the Board was working on doubling the live-aboard fees but that did not leave out of the Board’s purview. A year later, working with the City Manager, Docks & Harbors was able to double the dockage fees for under 200’ vessels. The intent was to leave the cruise ships alone. However, there were some cruise ships that fell into the increased fee so in 2022 the Board elected to not impose the doubling of the dockage fees on any cruise ship paying head tax. This year the Board did not take any action and the cruise ships under 200’ are paying the doubled dockage fees and paying more than the large ship dockage rates. Looking at the fees now in the rate study, for equity purposes the Board decided to raise all appropriate fees by 9%.

Mr. Ridgway commented that Title 85 is fundamental to what the Board does. He would like to request clarification from the authors of the proposed changes on “rates” affecting the cruise ships. Does this include the Whale Watching rates, etc. Is there an extension implied to specific rates in our fee structure? He would like to see better definition for the “cruise ship industry”. He asked if “scheduling” is specific to the cruise ships or what is implied with the “scheduling”. Does this refer to scheduling of other things “affecting the cruise ship industry”.

Mr. Uchytel said we do not do any scheduling for anybody. We operate public facilities and the public can use them when they want.

Mr. Ridgway commented if the City Manager wrote this and believes Docks & Harbors does scheduling, maybe there is a misunderstanding.

Mr. Uchytel said Mr. Watt knows how the scheduling is done. He has directed the Tourism Manager to negotiate with the Industry to try to have more input in scheduling. He talks about best ship, best fit at best dock.

Mr. Ridgway commented if he knows we are not doing it then why is it put in title 85 to not do scheduling.

Mr. Grant said he broke the added very long sentence down into two parts.

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“The Board shall additionally be responsible for the day to day operations and maintenance of the municipal cruise ship docks”.

“The Board shall not be responsible for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours”.

He asked for clarification on what is the “interface between industry and citizens of Juneau”? Does this affect cruise ship boarding and unboarding gate maintenance? Does it include things we may do as a infrastructure stand point that would affect the movement of passengers around the docks? Would that be included in “interface” or is that maintenance and operation. He commented that this is a poor attempt to capture a lot of stuff in one sentence that needs more definition. He said he agrees with Mr. Ridgway, why are they telling us not to do something we currently do not do. He said with how this is written, we manage the impacts on Harbors, but we are not allowed to mangle the impact of tours. This could be a problem if there was a safety issue at Statter Harbor even though we manage the Harbors, we are not allowed to do anything with the tours. It states we are not allowed to “impact tours”.

Mr. Ridgway asked how many busses take tourists to whale watching each day? Do the whale watching boats all leave from our facilities and does Docks & Harbors schedule those boats?

Mr. Uchytel said there are 72 vessels engaged in whale watching.

Mr. Creswell said we have 31 to 34 inspected vessels and 10 uninspected vessels that leave from Statter Harbor. We do not schedule any boats. They pay moorage and the per passenger fee.

Mr. Uchytel said a whale watching boat can also just use the harbor for loading and unloading of passengers and aren’t required to use Statter for moorage.

Mr. Ridgway commented that the changes to title 85 could be connected to assess future control of bus traffic impact. He just wants to know the Board’s boundaries. Are they trying to say here that we are not allowed to set any policy for whale watching? Will a large part of other Harbor operations be affected by this change because of the tours that run from the Harbors? Is this just pertaining to the two cruise ship docks?

Ms. Hart commented that we are currently managing the cruise ship docks and the uplands associated with those docks. Does the words, “related facilities” address the uplands?

Mr. Uchytel said that is how he would read that. We would have the uplands parking lots except what has been designated by the Assembly by resolution. By resolution, the Assembly has said the City Manager is responsible for the Seawalk. Docks manages the Seawalk but the City Manager is responsible for it.

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Mr. Ridgway commented that this looks like an attempt to manage multiple impacts to citizens of Juneau. If they are not able to cap the amount of passengers, potentially this could be another way to manage the amount of passengers getting on the busses.

Mr. Uchytel commented Holland America/Princess tours are going to be bringing a double decker bus next year. This is one way to reduce traffic. Is the issue too many busses or emissions.

Mr. Uchytel moved to the next red lined item on page 15 in the packet. 85.02.065 Limitation on Authority is recommended to be removed. Mr. Uchytel said this suggests to him that Docks & Harbors will not have authority over the Docks & Harbors CIP projects. He does not know the end game with this removal. It may just be that the Assembly does not want the Board input on the long range waterfront plan.

Mr. Ridgway commented with striking a limitation on authority, it would initially mean to him that Docks & Harbors authority is no longer limited.

Mr. Grant said what is being stricken is that Docks & Harbors may commit CBJ to a long range port development or capital improvement plans. He commented that was not a limitation of authority but a broad grant of authority.

Mr. Ridgway commented that the limitation in that paragraph is “as authorized in advance”.

Mr. Etheridge commented that this has already been done. The Assembly made a motion to take away the Board’s authority to lease waterfront properties. This is all part of that issue with leasing property to the cruise ship industry.

Mr. Ridgway said he would like staff to provide comments on how this could affect their work with these changes.

Mr. Uchytel said we follow a process now that ends up at the Assembly level anyway. Mr. Uchytel moved to page 16 in the packet for the last red line item. An item was added, section 85.02.090 (a)(9). This is adding, “consistent with the limitations of authority on cruise ship tourism in 85.02.060A(1), the Port Director shall take direction from the City Manager. Mr. Uchytel said he already does this anyway.

Mr. Ridgway commented that this would ask the question if the City Manager believes the Board has moved in a direction that is not in alignment with overall City Management. Was there a time in the past this was an issue?

Mr. Uchytel said one thing that surprised him was the project called the Urban Design plan which was an intentional look at the area from Marine Park to Taku Fisheries after the 16B project was completed and the Archipelago property purchase. This study was to look at the area’s managed by Docks & Harbors and what can we do to increase the passenger experience along the waterfront. He understood Marine Park has always been under Parks & Rec and the Seawalk is the City Manager’s responsibility but this was looking at Docks area. After this study, Morris Communication reached out to Mr.

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Uchytel indicating they wanted to partner with Docks & Harbors. We did partner, but the Assembly took a very negative view of the partnership. The feedback Mr. Uchytel received was that this project was ramrodded through. He said in his defense, everything we do goes through the Assembly and anyone could have said they did not like what was being done. This was a lot of work to get accomplished and both the public and private side are ready for development.

Ms. Hart commented when she was on other Boards, the By-Laws were helpful tools when transitioning managers. It made it very clear what the managers duties were. She read this addition to cleaning up the By-Laws making it clear for a future new Port Director.

Mr. Ridgway asked if Mr. Uchytel sees this as an issue. What if the Board directs the Port Director to do something and it is not in line with what the City Manager wants. He does not want Mr. Uchytel to think he has two bosses. He said the Board would like to know if Mr. Uchytel needs clarity to do his job.

Public Comment - None

Committee Discussion/Action –

Mr. Leither asked when the Assembly is going to act on these changes?

Mr. Uchytel said the next Assembly meeting is October 23rd and this has not been added to that meeting. This will be the new City Manager first Assembly meeting in her new role and he does not believe she has the bandwidth to move this forward. This will be an Ordinance change that will take two meetings and it is not scheduled to be introduced at this time.

Mr. Ridgway recommended Committee members send comments about the changes to Mr. Uchytel and add the update version to next Thursday's Board Agenda.

MOTION: No Motion

G. New Business

3. Boat Shelter Sale – Board Right-of-First Refusal to purchase.

Mr. Uchytel said on page 18 in the packet is a memo letting the Board know Mr. Holt wants to sell his boat shelter AG-26 for \$40K. He wants to know if the Board wants to waive its right of first refusal to purchase the boat shelter.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

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MOTION By MR. ETHERIDGE: TO WAIVE THE DOCKS & HARBORS BOARD RIGHT – OF – FIRST REFUSAL TO PURCHASE BOAT SHELTER AG-26 FOR \$40K AND ASK UNANIMOUS CONSENT.

Mr. Ridgway objected for purpose of discussion.

He wanted to know if it had to have the purchase amount in the motion?

Mr. Uchytel explained that was the amount the Shelter owner was intending to sell it for and that is what Harbors would need to pay if the Board elected to purchase it. There is some value to have it in the motion to keep everyone honest.

Mr. Ridgway removed his objection and Mr. Etheridge restated the motion.

MOTION By MR. ETHERIDGE: TO WAIVE THE DOCKS & HARBORS BOARD RIGHT – OF – FIRST REFUSAL TO PURCHASE BOAT SHELTER AG-26 FOR \$40K AND ASK UNANIMOUS CONSENT.

Motion passed.

H. Items for Information/Discussion

4. Launch Ramp Survey - Result

Mr. Creswell said in the packet starting on page 19 is the results of the launch ramp survey. This ran for a couple weeks on Survey Monkey. It was posted on our Facebook page, launch ramps, Tide Line, and email. It ended after Salmon Derby and had 243 people take the survey. As an incentive for people to take the survey, we offered two free launch ramp permits for 2024. The two people were chosen using a random number generator and they have both been notified.

He went over the results in the packet pages 19 – 21 and the comments on pages 22 – 30. He provided an overview of the highlighted comments-

- have designated tie down lanes at Statter - that will be better defined when Statter is finished.
- There were several comments received about wanting one lane for launching and one lane for retrieving boats – this will need to be a management item and it is being looked at now.
- Provide a pamphlet with launch rules, etiquette, bathymetry, and navigation channels – he is working on this with Mr. Norbryhn.
- Comment that we should charge for parking at other launch ramps – this is something he had not heard before.
- Having a harbormaster present on weekends to set up and out lanes – this is something he is already trying to do with staffing.
- Launch ramp video – he wants to make a video.
- The North Douglas comment - we have in the past painted lines on where the excursion tourists needed to walk so they were not walking behind people trying to launch their boats.
- The slowness of the parking kiosk – we are currently looking at a new parking system with the City.
- Life-ring on the boarding float – he put this on his board as an action item today.

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- Statter Harbor congestion – staff is aware of the congestion and there are a lot of boats in a small area.
- Etiquette signage – there is already signs posted.
- Comments that Harbors should not have taken out the old Statter Harbor launch ramp – that is where the new passenger for hire floats are.
- Make the etiquette video mandatory
- Fish cleaning comments – some people want them and some do not.

Mr. Creswell suggested the Committee members read through all the comments and it is easy to see trends. He said Mr. Norbryhn is looking into markings for a launch lane and a retrieval lane. He has for action an etiquette video that he wants to hire a film crew and do it professionally.

Committee Discussion

Mr. Grant asked if there would be a need for a safety ladder on the end of the boarding floats?

Mr. Creswell said yes, and they should be in the final shipment.

Ms. Hart asked if there is any outreach plan to share the results with the public?

Mr. Creswell said not at this time.

Ms. Hart thought it would be good because often people take survey's and they don't get feedback. Maybe it should go out in the next newsletter or website.

Mr. Creswell commented as we make the improvements, it can be stated that this is a result of the comments received in the survey.

Mr. Leither asked to have more information about the kayak situation at North Douglas. Is that space leased for the kayak tours?

Mr. Creswell said it is a commercial use permit for the kayak tour operations and they pay a per passenger fee.

Mr. Leither asked what the terms are for this use and what is the revenue generated?

Mr. Creswell said he will follow up with Mr. Leither after this meeting.

Mr. Grant suggested for the in and out lanes to have a red and green light.

Mr. Creswell said that is along the lines Mr. Norbryhn is looking into but not a traffic light.

Mr. Ridgway recommended to let the public know that we did receive the comments and the results were brought to the Board to review.

Ms. Hart said she read some comments regarding the bathrooms in Douglas. With Parks & Rec facility, is there a way to work with them to have this available for the Harbor patrons and launch ramp users?

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Mr. Creswell said we are currently in conversations with Parks & Rec about the bathrooms.

Mr. Uchytel said we have been trying to partner with Parks & Rec on this topic because they have had a lead on federal funding. Parks & Rec wants bathrooms on Savviko road because that is where the Transit busses stop and the bus drivers would be able to use the restroom. Docks & Harbors wanted to build bathrooms and heated showers at the same time. Parks & Rec got word that the maximum for this federal funding is only \$125K, and that is not enough to build a bathroom. Bathrooms are on our list of next projects to do at Douglas Harbor.

Mr. Ridgway said he would like to have in writing from staff the things that will be changed due to the comments from this survey.

Public Comment - None

5. Proposed Harbor Rate 9% Increase

Mr. Uchytel said on page 32 is a schedule tracking the process for the 9% rate increase. The public hearing is next on October 4th @ 5pm in the Assembly Chambers. All the email and correspondence about the 9% increase starts on page 51 in the packet. Starting on page 60 is a memo Chair Ridgway requested Mr. Uchytel draft addressing the public comments received. He read through his memo and explained his reasoning for his comments.

Committee Discussion –

Mr. Ridgway requested to add in the main header one through six, the date the letter received for the comments being addressed. This memo will help the Assembly members when they see the comments in the packet.

Mr. Leither asked if there has been any positive feedback received for this 9% increase?

Mr. Etheridge said he has received verbal comments to just increase the rates because they want the services.

Mr. Leither said if the purpose of this memo is to provide information for our Assembly members, this is great information. He said his concern is if he is reading this from the perspective of someone that is frustrated with this increase, we are expanding into areas that we do not need to open the fight into. Number six in the memo has a lot of valid points but does not contribute to the reason for increasing the fees by 9% and could make it more of a fight than it has to be. He suggested to keep the memo more narrow.

Mr. Ridgway said this memo is open commentary and it is open for Committee members to discuss and improve. If any member wants changes he recommended to send them to Mr. Uchytel. Part of the process is reading public comments and this memo clearly shows we read the comments, thought about them, and responded to them.

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Ms. Smith asked if anyone has checked with CBJ Law about Mr. Stopha's comments about charging a surcharge based on the number of passengers on a ship or whether that would work to be a head tax?

Mr. Uchytel said he has not asked CBJ Law.

Ms. Hart asked what the process is for how this goes in front of the Assesmbly?

Mr. Uchytel said for a regulation change it is a one meeting event. It could be on the October 23rd Assembly meeting unless the Board does not want to have this discussed with a new Assembly and wait until the November meeting. The Assembly will see the regulation changes prepared by CBJ Law starting on page 38 in the packet and the City Manager will read the managers report drafted by Mr. Uchytel. Mr. Uchytel said this is not a big presentation to the Assembly. It will be approving the regulation change language and they will hear public testimony.

Mr. Etheridge said it is important for Board members to be present at the Assembly meeting to show support to make it happen.

Mr. Grant said this all started with the rate study and he would like the Assembly to have that in their packet as the justification for all of this. It supports our due diligence, supports the numbers, and is equal to all.

Public Comment – None

Mr. Uchytel asked what the next step for this memo is. Should he take comment from members and bring it back to the Board at the next Board Meeting?

Mr. Ridgway recommended members make comments to Mr. Uchytel and the Board can talk about changes at next weeks Board meeting. He asked Mr. Uchytel to reach out to the two Board members not present tonight and ask for their input.

6. November Operations – Planning Committee Meeting – Proposed Date Change
 Mr. Uchytel recommended moving the November 22nd meeting, which is the day before Thanksgiving, to November 15th.

Committee Discussion - None

Public Comment – None

Mr. Ridgway directed Mr. Uchytel to move the meeting to November 15th.

I. Staff & Member Reports

Staff Reports -

Mr. Creswell reported

- Harbors Security Officer Mr. Davis resigned effective November 3rd. We are currently recruiting to fill that position. This is posted for only CBJ employees and closes next Friday.

Mr. Uchytel reported

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- He attended the Assembly COW on Monday where he heard Mr. Bob Janes speak representing the Whale Watchers group and Dr. Teerlink the NOAA whale biologist speak. His take away is that it doesn't seem like the whale watching charter people are cohesive in what they can do. The Assembly believes there are just too many whale watching vessels. Mr. Uchytel said he did not believe Dr. Teerlink articulated a problem statement for what is too many whale watching vessels. He heard there are 72 whale watching vessels that operate out of Juneau and approximately half are out of Statter Harbor. At the end, the Tourism Manager Alix Pierce was directed to solve the problem. Mr. Creswell added that there was a presentation without a clearly defined direction.

Mr. Ridgway asked if Dr. Teerlink talked about this affecting the whales?

Mr. Uchytel said Dr. Teerlink mentioned the studies but nothing definitive about the whales being affected by the whale watching vessels.

Mr. Grant asked if Dr. Teerlink is someone that has authority to propose some regulations changes if she felt there is an issue.

Mr. Uchytel said she did not indicate that NOAA would be imposing regulation limiting whale watching vessels under the Marine Mammal Protection Act.

Mr. Grant asked if Docks & Harbors needs to do anything?

Mr. Uchytel said the way his staff and he looks at this is: we manage operations and infrastructure. Once the vessel has left the purview of our tidelands, we do not track their activity. Trying to impose a limited entry will be challenging for the Borough. If Docks & Harbors is restricted to not allowing whale watching boats moor at Statter, then the whale watching vessels could move to the private harbors and still operate.

Mr. Becker commented that he is surprised NOAA is not more concerned with the whale watching in Juneau.

Ms. Smith commented that she believes NOAA is not proposing changes because they did a study on the cortisol level (stress hormone) of whales. They took samples of whales before COVID, and during COVID when there was no whale watching, and they found very little difference. She would recommend that any company that does whale watching commercially to have AIS on and operating both in send and receive. This lets other boaters know where those boats are and tell you where the whales are. This allows the whale watching captains to better plan their trips. She commented there are reasonable solutions. She believes the majority of the accidents in the Juneau area are from private individuals and not anyone involved in the business commercially.

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Mr. Ridgway commented this is a developing issue that people are focused on right now.

Mr. Uchytel continued with his report -

- He said himself, Matthew Creswell, Matthew Sill, will be at the AAHPA conference next week in Ketchikan and will call in for the meeting.
- Last month the Board approved spending funds for the former Ketchikan breakwater inspection and staff has contracted with PND for that inspection. The report should be available mid December.
- Mr. Sill has been working with Global Diving for the inspection of the Wayside Park float that we received the 1% sales tax money for. Working with DIPAC, the only time we could do dredging is October through December and so we will not be able to do this until next year.

Member Report -

Ms. Hart requested the Committee consider forming a sub-committee or a discussion structure where we could look at a CBJ Community Dock. In light of Title 85 changes being proposed, this could be moot depending on how that goes. Infrastructure seems to be the limiting factors for the cruise industry and they are just going to continue to make larger ships so moving to five ships does not really give a true tool for the City to mitigate the number of passengers coming in. Because of all of that, it seems like it would be really great for the Docks and Harbor Board to have more time to think about what our role is and how we interface with the community and industry. Some of the changes to title 85 seem like it hinders Docks & Harbors. She believes we are providing an important role for the Assembly providing a public process and taking some of the load off the Assembly and she would like to continue to do that. She would like to look at our currently owned City Dock to provide 100% priority goals broad use to the Community. Maybe have still some cruise industry involvement on that dock but it takes on more of a community focus to provide resources to our commercial fishing industry, recreational users, divers, and for people who want to jump off and go swimming. The lightering float is missed and it was a big part of our community. She would like to have a deeper dive discussion on the topics she just talked about.

Mr. Etheridge asked for clarification if she was talking about taking the current cruise ship dock over and making it a community dock?

Ms. Hart said she had not thought about that but she thought it would be easier to focus in on what we currently have authority over and restructure that vision and certainly with the blessing of the Assembly. Also have a very large outreach with the community. She liked Mr. Uchytel's thought about having a communication coordinator for the Docks and that got shot down. That would fit into this as well. There are some hurdles because we still need to pay off the dock and there could be some restrictions because of that. One prioritization of this committee could be a real prioritization to pay the dock down.

Mr. Ridgway requested to provide the suggested parameters for this group describing what is going to be looked at and what she wants to achieve. He asked if she was looking at one of the 16B docks?

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Ms. Hart said yes.

Mr. Grant said he would like to see a mission statement for the Committee.

Mr. Ridgway recommended Ms. Hart send what she is wanting to Mr. Uchytel so it can be added to the next Board meeting.

J. Committee Administrative Matters

Next Operations/Planning Committee Meeting-Wednesday, October 18th, 2023

K. Adjournment – The Meeting adjourned at 7:20pm.

TITLE 85 WATERS AND HARBORS¹

Chapter 85.02 DOCKS AND HARBORS BOARD²

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. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.
 - (2) Prior to February 1 of each year, the Board shall direct the Port Director to submit a budget necessary for the duties outlined in 85.02.060 to the Manager for inclusion in the municipal budget submission to the Assembly. If the Manager proposes a reduced budget to the Assembly or if the Assembly reduces the Board's proposed budget, then the Board shall inform the Assembly within 30 days of the operational impact of such reductions.
 - (32) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
 - (43) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
 - (54) (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

¹**Administrative Code of Regulations cross reference**—Docks and harbors, Part IV, Title 5.

Cross reference(s)—Boat harbor, CBJ Code § 03.30.052; building regulations, CBJ Code tit. 19; litter in lakes and fountains, CBJ Code § 36.30.060; land use, CBJ Code tit. 49; waterfront districts, CBJ Code § 49.25.250; wetlands management, CBJ Code § 49.70.1000 et seq.; recreation, parks and community centers, CBJ Code tit. 67; marine passenger fee, CBJ Code ch. 69.20.

²Charter 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.

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 CBIC 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)

85.02.065 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)~~

85.02.080 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.
- (9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060 A (1), the Port Director shall take direction from the City Manager.

(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)

Chapter 85.05 DEFINITIONS

85.05.010 Definitions.

Whenever the following words and terms are used in this title they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise:

Aircraft means aircraft of every kind or description which is able to alight upon or take off from water.

Assembly means the assembly of the City and Borough.

Aurora Harbor means that area of tide and submerged lands south of Norway Point which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1963 and 1964 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

Board and *board of directors* mean the docks and harbors board.

Boat harbor means all facilities and appurtenances of Harris Harbor, Aurora Harbor, the Douglas Harbor, and the Don D. Statter Harbor Facilities at Auke Bay, all additions and improvements thereto, and the waters of Harris Harbor, Aurora Harbor, the Douglas Harbor, the Don D. Statter Harbor Facilities at Auke Bay float and dock, the entrances and exits of Harris Harbor, Aurora Harbor, and the Douglas Harbor and municipal wharves.

Boats means all vessels, ships, boats, skiffs and watercraft of every kind and description, and aircraft using or present in the boat harbor. The essential element of a boat is that its purpose and use is navigation as a means of transportation.

City and Borough means the City and Borough of Juneau, Alaska.

Derelict means any boat moored or otherwise located in the boundaries of the Juneau boat harbor facilities which is forsaken, abandoned, deserted or cast away, or which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

Douglas Harbor means that area of tide and submerged lands located north of the Bureau of Mines jetty which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1962 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

Finger floats means numbered or lettered floats attached and connected to the master floats. All floats, now or hereafter installed, whether or not so connected with master floats, shall be suitably identified.

Float means a nonfixed pier.

Harris Harbor means that area of tide and submerged lands located between the Juneau-Douglas bridge and the University of Alaska Southeast Marine Technology Center which was dredged and constructed as a boat harbor by the United States Corps of Engineers in 1940, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

Houseboat means a dwelling built upon a barge, log raft or similar floating structure, constructed for habitation, and for which no other reasonable use appears or can be demonstrated.

Imminent danger of sinking means any condition where the lack of, or the failure of a pump or of power to the pump would materially contribute to the sinking of the vessel within 24 hours of such failure.

Master floats means the main or master floats reached by ramps from the dock or wharf approaches. All master floats shall be suitably identified.

Municipal wharves means Douglas Wharf, Juneau Fishermen's Terminal, Ferry Dock Wharf, Juneau Cold Storage Wharf, and the Alaska Steamship Wharf.

Port means those facilities located on the downtown waterfront, including the ferry terminal and lightering docks, which are not included under the term "boat harbor" and which are used for commercial purposes related to marine shipping, transportation, and tourism.

Port director means the duly appointed port director of the City and Borough.

The Don D. Statter Harbor Facilities at Auke Bay float and dock means those certain float and all facilities and appurtenances thereto, leased from the state, which are located in Auke Bay.

Transient vessel means any boat or vessel with a home port outside the City and Borough which has not occupied rented mooring space for more than 150 days.

(CBJ Code 1970, § 85.05.010; Serial No. 71-44, § 4, 1971; Serial No. 95-05am, § 5, 1995)

Cross reference(s)—Definitions generally, CBJ Code § 01.15.010.

CBJ Docks and Harbors Subcommittee request: “Downtown Community Dock Opportunities”

Background

Under current CBJ Laws, Title 85 (Waters and Harbors; [Harbors – Rules & Regulations – City and Borough of Juneau](#)) outlines the duties and responsibilities of the CBJ Docks and Harbors Board (Board) and gives guidance to the CBJ Port Director (Port Director). Currently, the Board and Port Director are responsible for the operation, development and marketing of municipally owned and operated port and harbor facilities – including the two CBJ owned cruise ship berths ([Harbors – Facilities – City and Borough of Juneau](#)). Due to the challenges related to a growing cruise industry in Juneau, over the years various CBJ Assembly resolutions (**need to track these down**) have applied limits to the Board’s authority in addressing various issues surrounding cruise ship management. Additionally, over the past few months the CBJ City Manager has made recommendations for changes to Title 85, clarifying and eliminating some of the Board and Port Director responsibilities related to the municipal cruise ship docks, including their roles in rate setting, scheduling, and other associated operational/maintenance policies. As a result, there exists confusion (internally within Docks and Harbors, and within the community at large) about the current and future role and responsibility of the Board and Port Director when it comes to cruise ship related dock oversight, and any future planning and management scenarios.

This year the cruise industry supported a self-imposed daily 5-ship limit for berthing in Juneau. While this has been well received by the current CBJ Assembly, there continues to be many in the community who have concerns that the self-imposed daily ship limits will not address concerns that not enough cruise ship oversight is balancing the economic benefits they provide and the quality of life impacts they bring to the community. Creating more opportunities for the community to engage in thoughtful discussions seeking solutions to these challenges would be welcomed by many stakeholders throughout the community.

Many Juneau residents feel pushed back from connection to Juneau’s downtown waterfront with the deckovers, expansion of the docks, and the expanded seasonal presence of cruise ships now visiting Juneau 6 months of the year. The public access to the water level at the lightering float was removed, further displacing locals. Many see activity in the harbor with cruise ships, security concerns and float planes has further pushed the community out of enjoying the downtown area for spring, summer, and early fall. To many in the community management in recent years has seemed to prioritize commercial use over community use and resulted in these displacements.

The Board is in a position where we can form subcommittees to discuss challenges impacting the roles and responsibilities for management of CBJ docks and harbor facilities. By creating a subcommittee focused on the downtown docks and harbors facilities we can convene thoughtful discussion and seek opportunities to engage the community in utilizing these resources for the greater good of the community and along the way may find helpful solutions that can be supported by both the cruise industry, and more segments of our community. Through the course of this subcommittee, greater clarification can be sought to better understand how the Board and Port Director can engage in management for the cruise ship berths and other downtown dock facilities that currently seem confusing.

Subcommittee Request:

“Recommend the Board form a subcommittee to focus on gaining a complete understanding of the revenues, costs and management policies and contracts of the downtown port assets from Marine Park to the Fishermen’s Memorial, and then engage diverse stakeholders across the community, cruise industry, and CBJ departments (tourism, parks and rec, etc...) to look for opportunities to provide spring, summer, and early fall community use and enjoyment of the downtown port and associated upland assets.”



Port of Juneau

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

From: *Carl Uchytel*
Port Director
To: Docks & Harbors Board
Via: Docks & Harbors Operations-Planning Committee
Date: October 13th, 2023
Re: Downtown Safety Railings

At the July 27th Board meeting, a memo was agreed upon to submit to the Assembly regarding the mitigation of risk due to no safety railing from the CT Approach Dock to Marine Park. The memo included the following:

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.

Staff is prepared to advance plans and efforts leading to construction of safety railing along the Seawalk. Should the Board direct staff to lean into this project, we would work with the Engineering Department to establish a capital improvement project (CIP). Most likely, this request would go before the Public Works & Facilities Committee (PWFC) on November 6th.

We are estimating that FY23 Docks Fund Balance to be \$2.3M. If directed by the Board, we would work with the Finance Department to make the appropriate fund transfer into the CIP. The transfer of funds would require Assembly action. It is also my intention to request Marine Passenger Fees, again, for this purpose.

Docks & Harbors staff stands ready to execute the will of the Board.

#

Encl: July 27th, 2023 Board memo to the Assembly



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: July 27th, 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.

This photo was taken on July 3rd. A member of the public attempted to awake this individual, then notifications were made to the Port Staff, JPD and CCFR. The individual was eventually assisted by CARES.



Presented by: The Manager
Presented: 10/23/2023
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3045

A Resolution of the City and Borough of Juneau Supporting Full Funding (\$7,644,677) for the State of Alaska Harbor Facility Grant Program in the Fiscal Year 2025 State Capital Budget.

WHEREAS, the majority of the public boat harbors in Alaska were constructed by the State in the early years of Statehood in the 1960s and 1970s; and

WHEREAS, Alaska's harbor facilities represent critical transportation links, are vital public infrastructure, and are essential hubs for waterfront commerce that supports beneficial economic activity in Alaskan coastal communities; and

WHEREAS, the harbor facilities in Alaskan coastal communities are ports of refuge for ocean-going vessels, and serve as the gateway for supplies, trade in goods and services, and connections to national and global markets for Alaskan exports and imports; and

WHEREAS, over the course of the past 30 years, the State of Alaska has transferred ownership of formerly State-owned harbors to local governments, allowing local control, but also significantly increasing the operational and maintenance costs that must be borne by local governments; and

WHEREAS, the majority of former State harbor facilities transferred to municipalities were at the time of transfer at or near the end of their serviceable lives; and

WHEREAS, Alaska's municipalities have strived to allocate the resources necessary to maintain and, when possible, improve harbor facilities transferred to them by the State of Alaska, but have faced increasing challenges in managing the significant financial burdens attendant on the harbor facilities formerly owned and maintained by the State; and

WHEREAS, the Governor and the Alaska Legislature recognized the magnitude of the problem with the fiscal burden placed on local governments by the transfer of State harbor facilities to local governments, and created the Harbor Facility Grant Program in 2006 with the passage of Senate Bill 291; and

WHEREAS, the Department of Transportation and Public Facilities utilizes a beneficial administrative process to review, score, and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

44 WHEREAS, for each harbor facility grant application, these municipalities have
45 committed to invest 100% of the design and permitting costs and 50% of the construction
46 cost; and

47
48 WHEREAS, the municipalities of the Sitka and Juneau have committed to contribute half
49 of their project cost in local match funding for Fiscal Year 2025 towards harbor projects of
50 significant importance locally as required in the Harbor Facility Grant Program; and

51
52 WHEREAS, completion of these harbor facility projects is dependent on the 50% match
53 from the State of Alaska's Municipal Harbor Facility Grant Program; and

54
55 WHEREAS, during the last 15 years the Municipal Harbor Facility Grant Program has
56 only been fully funded twice; and

57
58 WHEREAS, a survey done by the Alaska Municipal League of Alaska's ports and harbors
59 found that from the respondents, the backlog of projects necessary to repair and replace
60 former State-owned harbors has increased to at least \$500,000,000; and

61
62 WHEREAS, given that Alaska is a maritime state and that our harbors are foundational
63 to both our way of life and the economy of this great State it is in the public's best interest to
64 maintain this critical infrastructure by using State, Local and Federal funds to recapitalize
65 the crucial harbor moorage infrastructure statewide.

66
67 NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF
68 JUNEAU, ALASKA:

69
70 **Section 1.** The Governor of Alaska and the Alaska Legislature are respectfully urged
71 to fund the State of Alaska Harbor Facility Grant Program in the Fiscal Year 2025 State
72 Capital Budget in the amount of \$7,644,677 to enhance and elevate the safety, well-being,
73 and economic prosperity of Alaskan coastal communities.

74
75 **Section 2. Effective Date.** This resolution shall be effective immediately after its
76 adoption.

77
78 Adopted this _____ day of _____ 2023.

79
80 _____
81 Beth A. Weldon, Mayor

82 Attest:

83
84 _____
85 Elizabeth J. McEwen, Municipal Clerk
86

Presented by: The Manager
Presented: 10/23/2023
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3046

**A Resolution of the City and Borough of Juneau in Support of Raising
the Maximum Available Alaska Department of Transportation Harbor
Facility Grant to \$7,500,000 for Eligible Projects on an Annual Basis.**

WHEREAS, Senate Bill 291 established the Municipal Harbor Facility Grant Program on July 1, 2006, in which the total amount of grant money made available to a municipality was limited to not exceed \$5,000,000 in a fiscal year; and

WHEREAS, the Municipal Harbor Facility Grant is the single most significant funding tool available to Alaskan Harbormasters to plan, maintain, and recapitalize port and harbor infrastructure; and

WHEREAS, testimony from a legislator advocate stated “SB 291 would establish the municipal harbor facility grant fund to which the Legislature would make an annual appropriation from the watercraft fuel tax account and from the state portion of the fisheries business tax. Both sources come from the marine industry so harbor users would generate the revenue for the program”; and

WHEREAS, Senate Bill 291 was envisioned to cap the funds that can be used per community per year at \$5,000,000 so that a large community couldn't take all the available funds in any given year. The expectation is that communities would establish, maintain, and run an enterprise fund in perpetuity; and

WHEREAS, the State of Alaska over the past nearly 30 years has transferred ownership of most of these State-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, these harbor facilities continue to require substantial municipal financial investment to maintain and for capital improvement projects; and

WHEREAS, construction, shipping, and mobilization costs to remote portions of Alaska have outpaced the national consumer price index since the pandemic; and

WHEREAS, the United States Bureau of Labor Statistics CPI calculator indicates that \$5,000,000 in July 2006 when the Senate Bill 291 was enacted would be inflated to \$7,511,000 as of July 2023.

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

46
47 **Section 1.** That the City and Borough of Juneau respectfully urges the Governor
48 and the Alaska Legislature to amend AS 29.60.800 raising the maximum Harbor
49 Facility Grant Fund award to \$7,500,000 per eligible project.

50
51 **Section 2. Effective Date.** This resolution shall be effective immediately after its
52 adoption.

53
54 Adopted this _____ day of _____ 2023.
55

56
57 _____
Beth A. Weldon, Mayor

58 Attest:

59
60
61 _____
62 Elizabeth J. McEwen, Municipal Clerk
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Manager’s Report to the Assembly:

This resolution recommends full funding for the State of Alaska Department of Transportation’s Harbor Facility Grant Program. CBJ has been a beneficiary of approximately \$15 million in harbor grant funding since the program’s inception, including a \$2M grant for Phase III rebuild of Aurora Harbor which is scheduled for completion in May 2024.

For the current legislative session, Docks & Harbors has applied for a \$5M matching grant for Phase IV rebuild of Aurora Harbor. Statewide, only two communities - Sitka and Juneau, have committed to contribute \$7,644,677 in local match funding for FY2025 towards projects of significant importance. The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

~~~~~

This resolution recommends increasing the maximum grant award eligibility under the State of Alaska Department of Transportation’s Harbor Facility Grant Program from \$5M to \$7.5M. This would not affect CBJ current application but may impact grant strategies in the future, should the Legislature take action to amend AS 29.60.800.

The proposed resolution was drafted and adopted by the Alaska Association of Harbormasters and Port Administrators (AAHPA) at its annual conference on September 26<sup>th</sup>. AAHPA encourages its member’s municipalities to also provide local support for this change.

The Docks & Harbors Board reviewed this resolution at its Operations-Planning Committee meeting on October 19, and recommended forwarding it to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

# 2024

## Docks & Harbors Board Meeting Calendar

| January |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|
| S       | M  | T  | W  | T  | F  | S  |
|         | 1  | 2  | 3  | 4  | 5  | 6  |
| 7       | 8  | 9  | 10 | 11 | 12 | 13 |
| 14      | 15 | 16 | 17 | 18 | 19 | 20 |
| 21      | 22 | 23 | 24 | 25 | 26 | 27 |
| 28      | 29 | 30 | 31 |    |    |    |

| February |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| S        | M  | T  | W  | T  | F  | S  |
|          |    |    |    | 1  | 2  | 3  |
| 4        | 5  | 6  | 7  | 8  | 9  | 10 |
| 11       | 12 | 13 | 14 | 15 | 16 | 17 |
| 18       | 19 | 20 | 21 | 22 | 23 | 24 |
| 25       | 26 | 27 | 28 | 29 |    |    |

| March |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| S     | M  | T  | W  | T  | F  | S  |
|       |    |    |    |    | 1  | 2  |
| 3     | 4  | 5  | 6  | 7  | 8  | 9  |
| 10    | 11 | 12 | 13 | 14 | 15 | 16 |
| 17    | 18 | 19 | 20 | 21 | 22 | 23 |
| 24    | 25 | 26 | 27 | 28 | 29 | 30 |
| 31    |    |    |    |    |    |    |

| April |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| S     | M  | T  | W  | T  | F  | S  |
|       | 1  | 2  | 3  | 4  | 5  | 1  |
| 2     | 3  | 4  | 5  | 6  | 7  | 8  |
| 9     | 10 | 11 | 12 | 13 | 14 | 15 |
| 16    | 17 | 18 | 19 | 20 | 21 | 22 |
| 23    | 24 | 25 | 26 | 27 | 28 | 29 |
| 30    | 31 |    |    |    |    |    |

| May |    |    |    |    |    |    |
|-----|----|----|----|----|----|----|
| S   | M  | T  | W  | T  | F  | S  |
|     |    |    | 1  | 2  | 3  | 4  |
| 5   | 6  | 7  | 8  | 9  | 10 | 11 |
| 12  | 13 | 14 | 15 | 16 | 17 | 18 |
| 19  | 20 | 21 | 22 | 23 | 24 | 25 |
| 26  | 27 | 28 | 29 | 30 | 31 |    |

| June |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| S    | M  | T  | W  | T  | F  | S  |
|      |    |    |    |    |    | 1  |
| 2    | 3  | 4  | 5  | 6  | 7  | 8  |
| 9    | 10 | 11 | 12 | 13 | 14 | 15 |
| 16   | 17 | 18 | 19 | 20 | 21 | 22 |
| 23   | 24 | 25 | 26 | 27 | 28 | 29 |
| 30   |    |    |    |    |    |    |

| July |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| S    | M  | T  | W  | T  | F  | S  |
|      | 1  | 2  | 3  | 4  | 5  | 6  |
| 7    | 8  | 9  | 10 | 11 | 12 | 13 |
| 14   | 15 | 16 | 17 | 18 | 19 | 20 |
| 21   | 22 | 23 | 24 | 25 | 26 | 27 |
| 28   | 29 | 30 | 31 |    |    |    |


| August |    |    |    |    |    |    |
|--------|----|----|----|----|----|----|
| S      | M  | T  | W  | T  | F  | S  |
|        |    |    |    | 1  | 2  | 3  |
| 4      | 5  | 6  | 7  | 8  | 9  | 10 |
| 11     | 12 | 13 | 14 | 15 | 16 | 17 |
| 18     | 19 | 20 | 21 | 22 | 23 | 24 |
| 25     | 26 | 27 | 28 | 29 | 30 | 31 |


| September |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|
| S         | M  | T  | W  | T  | F  | S  |
| 1         | 2  | 3  | 4  | 5  | 6  | 7  |
| 8         | 9  | 10 | 11 | 12 | 13 | 14 |
| 15        | 16 | 17 | 18 | 19 | 20 | 21 |
| 22        | 23 | 24 | 25 | 26 | 27 | 28 |
| 29        | 30 |    |    |    |    |    |

| October |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|
| S       | M  | T  | W  | T  | F  | S  |
|         |    | 1  | 2  | 3  | 4  | 5  |
| 6       | 7  | 8  | 9  | 10 | 11 | 12 |
| 13      | 14 | 15 | 16 | 17 | 18 | 19 |
| 20      | 21 | 22 | 23 | 24 | 25 | 26 |
| 27      | 28 | 29 | 30 | 31 |    |    |

| November |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| S        | M  | T  | W  | T  | F  | S  |
|          |    |    |    |    | 1  | 2  |
| 3        | 4  | 5  | 6  | 7  | 8  | 9  |
| 10       | 11 | 12 | 13 | 14 | 15 | 16 |
| 17       | 18 | 19 | 20 | 21 | 22 | 23 |
| 24       | 25 | 26 | 27 | 28 | 29 | 30 |

| December |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| S        | M  | T  | W  | T  | F  | S  |
| 1        | 2  | 3  | 4  | 5  | 6  | 7  |
| 8        | 9  | 10 | 11 | 12 | 13 | 14 |
| 15       | 16 | 17 | 18 | 19 | 20 | 21 |
| 22       | 23 | 24 | 25 | 26 | 27 | 28 |
| 29       | 30 | 31 |    |    |    |    |

 Operations/CIP

 Board

2024 CBJ Docks & Harbors OPS & Board Meeting Schedules

January 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 1/17/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 1/25/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

February 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 2/21/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 2/29/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

March 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 3/20/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 3/28/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

April 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 4/19/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 4/27/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

May 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 5/22/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 5/29/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

June 2024

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 6/19/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 6/27/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

### **July 2024**

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 7/17/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 7/25/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

### **August 2024**

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 8/21/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 8/29/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

### **September 2024**

|     |           |                        |               |
|-----|-----------|------------------------|---------------|
| Wed | 9/18/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 9/26/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

### **October 2024**

|     |            |                        |               |                |
|-----|------------|------------------------|---------------|----------------|
| Thu | 10/23/2024 | OPS/Planning Committee | 5:00pm-7:30pm | (18th holiday) |
| Thu | 10/31/2024 | Regular Board Meeting  | 5:00pm-7:30pm |                |

### **November 2024**

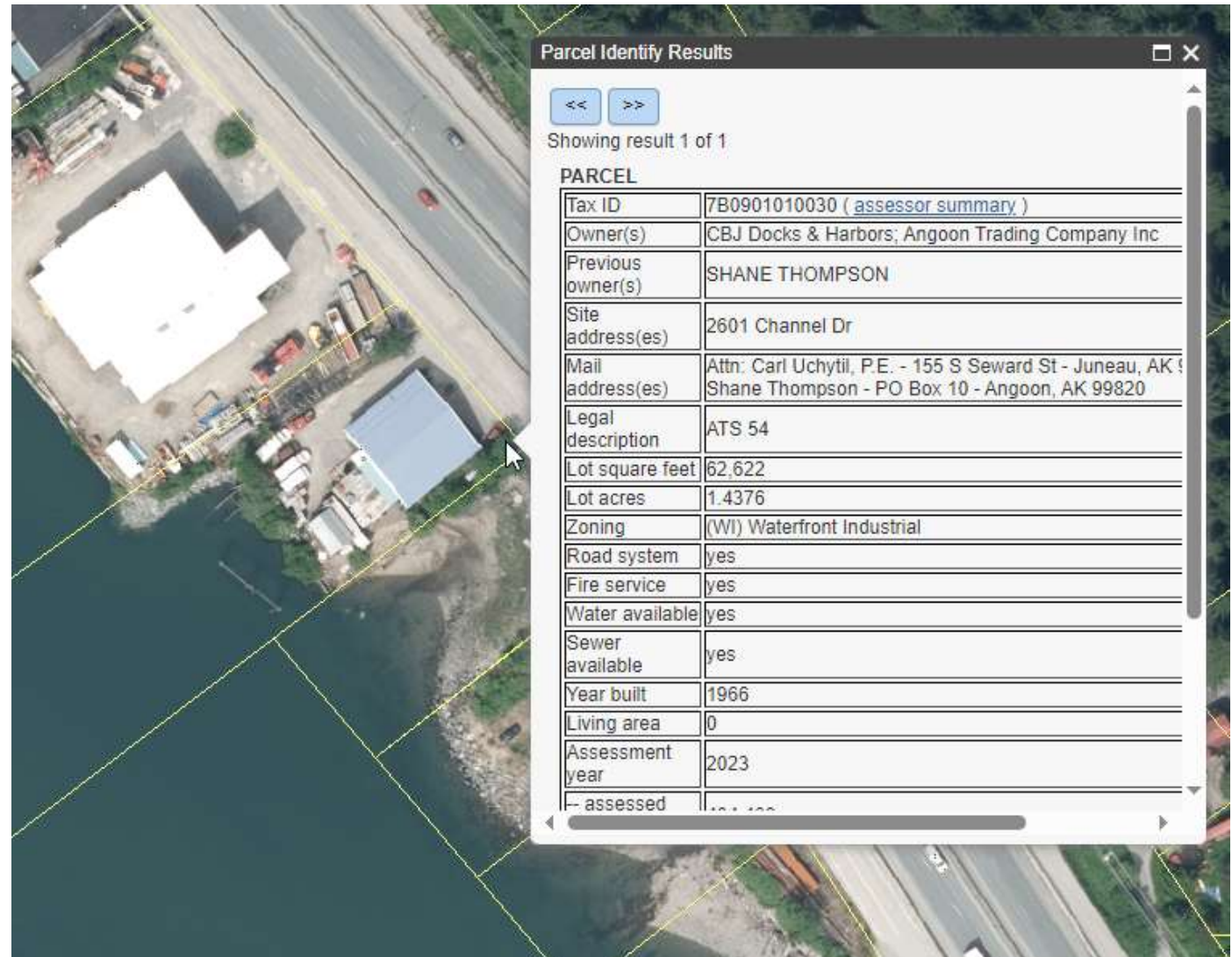
|     |            |                        |               |
|-----|------------|------------------------|---------------|
| Wed | 11/13/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 11/21/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

### **December 2024**

|     |            |                        |               |
|-----|------------|------------------------|---------------|
| Wed | 12/11/2024 | OPS/Planning Committee | 5:00pm-7:30pm |
| Thu | 12/19/2024 | Regular Board Meeting  | 5:00pm-7:30pm |

# Angoon Trading Company Lease

- D&H 35-year lease
- \$11,448 per year lease rent
- Expires in 2052
- 1.46 acres includes submerged land
- Approximately 0.38 acres upland
- Building & assignment of lease currently for sale





# Angoon Trading Company 3600 SF- Warehouse Building



# Inside Warehouse





# Outside Warehouse

Listing Agent – Latitude 58

Asking Price \$865,000

CBJ Assessed Value \$404,400



Leased to DJG  
\$6419/year  
Expires 2044  
0.92 acres



**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

**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 include but are not limited to those ~~be as~~ set forth in Sections 85.02.060, 85.02.063, and 85.02.065.

**ARTICLE III. OFFICERS**

1. OFFICERS. Officers of the Board shall consist of a Chair, Vice Chair and any other officers as the Board may from time to time deem necessary.

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

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 as provided in CBJC 85.02.010 and CBJC 85.02.030.~~
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 CBJC 85.02.010 or 85.02.030.~~
5. CHAIR. The Chair shall preside at all Board meetings, unless participating remotely.  
  
The Chair ~~shall~~ may assign tasks to Board members and committees and ~~shall~~ is charged with ensuring 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, including when the Chair is participating remotely.

**ARTICLE IV. COMMITTEES**

1. STANDING COMMITTEES. There shall be the following standing committees of the Board:
  - \* Finance
  - \* Operations & Planning

~~The Chair Board 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 Board or the Chair, upon ratification of the Board, shall appoint a Board member to serve as the committee cChair 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, upon ratification of the Board, may establish special committees to facilitate any Board business.

~~The Chair shall appoint two or more Board members and may appoint any individual that is not~~

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

~~a member of the Board to serve on any special committee established.~~

The Board or the Chair, upon ratification of the Board, shall appoint a Board member to serve as the committee cChair 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 ~~v~~Vice Chair and other such officers as the Board shall deem necessary, shall be elected.

3. Reserved. 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. Any special meeting must provide at least 24-hours public notice of the meeting and the agenda, except in an emergency.

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. Committee meetings must provide at least 24-hours public notice of the meeting and the agenda.

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

Any topic or item may be discussed that falls within the purview of the committee's charge as 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~~ remotely. For all committee meetings, a quorum shall consist of a minimum of ~~three (3) voting committee members in attendance or participating via telephone~~ fifty percent (50%) plus one (1) of the voting members on the committee.

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 and the meeting agenda 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~~ remotely 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. The prevailing vote requirement may be reduced per CBJ Charter 3.16(e).

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



**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

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

A. Board members are encouraged to participate in meetings by attending in person when possible. However, A a member may participate via telephone remotely 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 remotely, the Vice chair shall preside.

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

~~CB. 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 remotely and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.~~

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

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

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

~~FE.~~ The member participating ~~by telephone~~ remotely shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.

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

~~HG.~~ If the ~~telephone~~ remote 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~~ remotely 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 remotely shall be allowed only for regular, special, or committee meetings of the Board.~~

~~JH.~~ Any member of the public present remotely ~~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 ~~e~~Chair of the meeting will conduct the hearing.

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

C. The presiding ~~e~~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.

D. Citizens will be encouraged to submit written presentations and exhibits to the Board

**CITY AND BOROUGH OF JUNEAU  
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BYLAWS**

~~via email [HarborBoard@juneau.gov](mailto:HarborBoard@juneau.gov). 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 Chair ~~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 eChair.

G. Members of the public will precede their remarks by stating their names; and organizational affiliation (if applicable), and unless otherwise allowed by the presiding eChair, ~~their place of residence, the area of town they reside in.~~

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 eChair 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.

M. Reasonable accommodations are available upon request. To the extent allowed by law (i.e. A.S. 15.13.040 & A.S.15.13.145), a spokesperson designated by a person with a disability wishing to provide oral public testimony should advise the Board. Please contact the Clerk's office prior to any meeting, preferably 36 hours ahead, so arrangements can be made if other accommodation requests like closed captioning or sign language interpreter services are desired. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.org](mailto:city.clerk@juneau.org).

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**

**CITY AND BOROUGH OF JUNEAU  
DOCKS AND HARBORS BOARD  
BYLAWS**

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.

The Port Director shall have the duties and responsibilities, including but not limited to those, 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 upon recommendation by the Board to the Assembly, by an affirmative vote of six (6) Board members at any properly noticed 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. 3201 this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Attested by Municipal Clerk