



# DOCKS AND HARBORS SPECIAL BOARD - PUBLIC HEARING AGENDA

October 31, 2024 at 5:00 PM

Port Director's Conference Room/Zoom Webinar

<https://juneau.zoom.us/j/82179643133> or (253)215-8782 Webinar ID: 821 7964 3133 Passcode: 478577

**A. CALL TO ORDER**

**B. ROLL CALL:** James Becker, Tyler Emerson, Clayton Hamilton, Debbie Hart, Matthew Leither, Nick Orr, Annette Smith, Shem Sooter, and Don Etheridge.

**C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES**

**D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** (not to exceed five minutes per person, or twenty minutes total time)

**E. UNFINISHED BUSINESS - PUBLIC HEARING**

1. Regulation Change - 05 CBJAC 10.040 (Tour Sales Permit)

Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY APPROVE REGULATION CHANGE TO 05 CBJAC 10.040 INCREASING OF THE MINIMUM BID FOR TOUR SALES PERMIT TO \$35,000.

2. Regulation Change - 05 CBJAC 20.010 (Small Boat Harbor Fee Policy)

Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY APPROVE REGULATION CHANGE TO 05 CBJAC 20.010 REQUIRING PATRONS WITH ACCOUNTS IN COLLECTION TO SETTLE PREVIOUS ACCOUNTS PRIOR TO MOORING AT A CBJ HARBOR FACILITY.

3. Regulation Change - 05 CBJAC 35.060 (Fees)

Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY APPROVE REGULATION CHANGE TO 05 CBJAC 35.060 REQUIRING VESSELS WITHOUT INSURANCE TO PAY AN UNINSURED VESSEL SURCHARGE OF \$1.50/FOOT PER MONTH.

4. Regulation Change - 05 CBJAC 40.010 (General Moorage Management Policy)  
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY APPROVE REGULATION CHANGE TO 05 CBJAC 40.010 REPLACING THE "VESSEL SALVAGE AND DISPOSAL FEE" WITH "UNINSURED VESSEL SURCHARGE FEE".

5. Regulation Change - 05 CBJAC 45.050 (Auke Bay Loading Facility)  
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO RECOMMEND THE ASSEMBLY APPROVE REGULATION CHANGE TO 05 CBJAC 45.050 REQUIRING USERS OF THE AUKE BAY LOADING FACILITY TO MAKE A RESERVATION FOR THE DRIVE-DOWN FLOAT PRIOR TO USE OR BE ASSESSED WITH A DAILY MOORAGE FEE.

**F. BOARD ADMINISTRATIVE MATTERS**

6. Regular Docks & Harbors October Board Meeting will immediately follow.

**G. 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.gov](mailto:city.clerk@juneau.gov).



## Port of Juneau

### NOTICE OF PROPOSED CHANGES TO REGULATION Amendment of Title 05, Chapters 10, 35 & 40 Fees and Charges – Application of Consumer Price Index

DOCKS & HARBORS BOARD IS PROPOSING TO INCREASE THE UNINSURED VESSEL SURCHARGE AS WELL AS EXPAND THE APPLICATION OF THE UNINSURED VESSEL SURCHARGE TO TRANSIENT MOORAGE PATRONS. DOCKS AND HARBORS BOARD IS ALSO PROPOSING TO INCREASE THE MINIMUM BID FOR THE WATERFRONT VENDOR TOUR SALES PERMITS. BELOW IS A FISCAL NOTE CHART WITH THE PROPOSED CHANGES.

The purpose is to provide for the orderly administration of vending in the downtown waterfront areas, and to finance the operating, maintenance, and partial replacement costs of the small boat harbors and launch ramps under the ownership of the City and Borough of Juneau.

The proposed regulations:

- (a) Increase the tour sales permit minimum bids by \$5,000.
- (b) Disallow moorage until all accounts with collections have been paid in full;
- (c) Require pre-payments for habitual offenders who have been sent to collections of gone through the impound process;
- (d) Establish requirements for uninsured vessels, and
- (e) Establish a fee for unauthorized moorage at the Auke Bay loading facility.

The above regulations are proposed for adoption pursuant to CBJ's 01.60 and CBJ 85.02.060, and CBJ 85.02.100. Interested persons may obtain a full copy of the proposed regulation at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, online at [www.juneau.org/harbors/proposed\\_regulations.php](http://www.juneau.org/harbors/proposed_regulations.php) or obtain more information by calling the Harbormaster at 907-586-5255.

The Board is holding a public hearing and intends to take final action on the proposed changes at a Special Board meeting on **October 31st, 2024, at 5:00 pm via zoom meeting**. If this is approved by the Board, it will move to the Assembly for their final approval. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and via email at [harbormaster@juneau.gov](mailto:harbormaster@juneau.gov) until 4:30 p.m. on October 31<sup>st</sup>, 2024.

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

ADOPTION OF REGULATION AMENDMENTS

Title 05 Chapter 10 – Waterfront Sales Permits, Tour Sales Permits

Title 05 Chapter 20 – Small Boat Harbor, Reserved Moorage Waitlist Fee

Title 05 Chapter 20 – Small Boat Harbor, Harbor Fee Policy

Title 05 Chapter 35 – Small Boat Harbor, Transient Moorage Management Fees

Title 05 Chapter 40 – Small Boat Harbor, Moorage Management Regulations

Title 05 Chapter 45 – Small Boat Harbor, Auke Bay Loading Facility

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

**Section 1. Authority.** These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

**Section 2. Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 10 Waterfront Sales Permits to read:

**05 CBJAC 10.040 Tour sales permits.**

(a) Application process and permit award.

...

(3) *How the permits are awarded.* The port director will manage and award the permits by public outcry auction. The minimum bid for a permit is ~~\$30,000.00~~ \$35,000. Applicants meeting the permit eligibility requirements set out in 05 CBJAC 10.030(f) will be allowed to bid on a permit provided the applicant posts a ~~\$30,000.00~~ \$35,000 bid bond payable to CBJ. The applicant must agree to forfeit the bid bond in the event the applicant does not honor a winning bid on a permit.

**Section 3. Amendment of Regulation.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20 Small Boat Harbor Fees and Charges, to read:

**05 CBJAC 20.010 Small boat harbor fee policy.**

...

(r) Collection accounts. If a person has had a previous account with Docks and Harbors sent to collections, the person shall not be able to moor a vessel until the collection account has been paid in full. Should the person moor their vessel without settling all accounts, the vessel is deemed abandoned and immediately subject to the impound process under CBJ 85.25.130.

- (s) Habitual Offenders. Any person who has been subject to impoundment proceedings or had an account sent to collections in the previous 24 months, shall be required to pre-pay for their moorage.

**Section 4. Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 35 Small Boat Harbor Transient Moorage Management, to read:

**05 CBJAC 35.060 Fees.**

Persons using transient moorage must pay fees in accordance with CBJ Administrative Code Title 05, Chapter 20 and as set forth below.

(a) Uninsured Vessel Surcharge.

- (1) Prior to obtaining a moorage assignment, CBJAC 40.035, 050, 055, or 065, the owner of a vessel must:
  - (i) provide the Harbormaster with proof of current marine insurance showing, at a minimum, the owner's name, information identifying the vessel, and the dates of insurance coverage; or
  - (ii) pay a non-refundable moorage surcharge of \$1.50 per foot per month.
    - A. As of January 1, of each year, should the actual vessel disposal costs vary more than 20% from the annual amount collected, Docks and Harbors will adjust the rate to no less than \$1.00 per foot per month and no more than \$3.00 per month to make up for the difference. The new rate must be approved by the Board no less than 30 days prior to implementation.
  - (iii) Vessels paying the daily moorage rate are exempt from paying this surcharge.
- (2) The funds collected from the moorage surcharge under this regulation will be used to pay for the unrecoverable costs attributable to vessel salvage and disposal activities in the small boat harbors.
- (3) This regulation does not relieve an owner from the responsibility to pay fees as set out in CBJ Ordinance Title 85 or regulations adopted thereunder and does not constitute marine insurance.

**Section 5. Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 40 Small Boat Harbor Moorage Management Regulations, to read:

**05 CBJAC 40.010 General moorage management policy.**

(g) ~~Vessel salvage and disposal.~~ Uninsured Vessel Surcharge.

- (1) Prior to obtaining a moorage assignment pursuant to CBJAC 40.035, 050, 055, or 065, the owner of a vessel must:

...

- (ii) pay a non-refundable moorage surcharge of ~~\$.031~~ \$1.50 per foot per month.

- A. As of January 1, of each year, should the actual vessel disposal costs vary more than 20% from the annual amount collected, Docks and Harbors will adjust the rate to no less than \$1.00 per foot per month and no more than \$3.00 per month to make

up for the difference. The new rate must be approved by the Board no less than 30 days prior to implementation.

(iii) Vessels paying the daily moorage rate are exempt from paying this surcharge.

...

**Section 6. Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 45 Small Boat Harbor and Port Facilities Use Regulations, to read:

**05 CBJAC 45.050 Auke Bay Loading Facility.**

(k) *Drive-Down Use Fees.* Notwithstanding any fee provision listed in 05 CBJAC 15 and 20, and 30, operators shall pay fees for use of the drive-down gangway and float as follows:

- (1) The owner of a vessel that ties up to the float shall pay daily moorage fees for each calendar day or portion thereof that the vessel remains affixed to the float, except that an owner may use the facility for up to two hours on any calendar day without incurring moorage. Vessels wanting to use the float will need to schedule in advance with the Harbormaster. Mooring a vessel without first contacting the harbor office constitutes unauthorized moorage and the vessel will be assessed the full daily moorage fee in accordance with 05 CBJAC 20.210.

**Section 7. Notice of Proposed Adoption of a Regulation.** The notice requirements of CBJC 01.60.200 were followed by the agency. The notice period began on XXXX, 2024, which is not less than 21 days before the date of adoption of these regulations as set forth below.

**Adoption by Agency**

After considering all relevant matter presented to it, the agency hereby adopts these regulations as set forth above. The agency will next seek Assembly review and approval.

Date:\_\_\_\_\_

\_\_\_\_\_  
Carl Uchtyl, P.E.  
Port Director

**Legal Review**

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) Existence of code authority and the correctness of the required citation of code authority; and
- (3) Clarity, simplicity of expression, and absence of possibility of misapplication.

Regulations of Docks & Harbors

Amending 05 CBJAC 10; 05 CBJAC 20; 05 CBJAC 35; CBJAC 40; and 05 CBJAC 45

Date: \_\_\_\_\_

\_\_\_\_\_  
Emily Wright  
Assistant Municipal Attorney

### **Assembly Review**

These regulations were presented to the Assembly at its meeting of \_\_\_\_\_. They were adopted by the Assembly.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen  
Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1.

These regulations were accepted for filing by the office of the clerk at\_\_\_\_\_:\_\_a.m./p.m. on the\_\_day of\_\_\_\_,\_\_\_\_\_.
2.

After signing, I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3.

A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4.

Effective date:\_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen  
Municipal Clerk





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Fee	Regulation	Current	Increase	Total Revenue
Waterfront Vendor Tour Sales Permits	05 CBJAC 10.040	\$30,000	\$35,000	\$315,000.00
Uninsured Vessel Surcharge	05 CBJAC 35.060	\$0.00/ft/month	\$1.50/ft/month	\$148,426.50
Uninsured Vessel Surcharge	05 CBJAC 40.010	\$0.31/foot/month	\$1.50/ft/month	

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