



DOCKS AND HARBORS REGULAR BOARD MEETING AGENDA

November 30, 2023 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

<https://juneau.zoom.us/j/83798277860> or 1-253-215-8782 Meeting ID: 837 9827 7860 Passcode: 427096

- A. CALL TO ORDER (5:00pm in CBJ Room 224 & Via Zoom)**
- B. ROLL CALL (James Becker, Paul Grant, Debbie Hart, Matthew Leither, Mark Ridgway, Annette Smith, Shem Sooter, Albert Wall and Don Etheridge)**
- C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES**
MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED.
- D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** (not to exceed five minutes per person, or twenty minutes total time)
- E. APPROVAL OF MINUTES**
 - [1.](#) October 4th, 2023 Special Board Minutes
 - [2.](#) October 26th, 2023 Board Minutes
- F. CONSENT AGENDA**
 - a. Public Requests for Consent Agenda Changes
 - b. Board Members Requests for Consent Agenda Changes
 - c. Items for Action
 - [3.](#) Docks & Harbors proposed ByLaw Amendments
Presentation by Port Director

RECOMMENDATION: THAT THE ASSEMBLY APPROVE PROPOSED BYLAWS AMENDMENTS.
 - [4.](#) CBJ 2024 Legislative Priority List
Presentation by the Port Director

RECOMMENDATION; THAT THE ASSEMBLY CONSIDER AURORA HARBOR IV AND STATTER HARBOR WAVE ATTENUATOR PROJECTS AS DOCKS & HARBORS LEGISLATIVE PRIORITY PROJECTS.

MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED.
- G. UNFINISHED BUSINESS**
- H. NEW BUSINESS**
- I. ITEMS FOR INFORMATION/DISCUSSION**
 - [5.](#) Annual Letter to the Assembly
Presentation by Port Director

Board Discussion/Public Comment
 - [6.](#) Docks & Harbors FY25 CIP List
Presentation by Port Director

Board Discussion/Public Comment

- [7.](#) Assembly Retreat - Docks & Harbors Interests
Presentation by Port Director

Board Discussion/Public Comment

J. COMMITTEE AND MEMBER REPORTS

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

K. PORT ENGINEER'S REPORT

L. HARBORMASTER'S REPORT

M. PORT DIRECTOR'S REPORT

N. ASSEMBLY LIAISON REPORT

O. BOARD ADMINISTRATIVE MATTERS

- a. Operations Committee Meeting - Wednesday December 20th, 2023
- b. Board Meeting - Thursday December 28th, 2023

P. 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.



DOCKS AND HARBORS SPECIAL BOARD MEETING MINUTES

October 04, 2023 at 5:00 PM

Assembly Chambers/Zoom Webinar

A. CALL TO ORDER: Mr. Etheridge called the meeting to order at 5:00 p.m. in CBJ Assembly Chambers and Zoom Webinar. There was technical difficulty with the zoom participants hearing the participants in the Chambers. The meeting resumed at 5:33pm.

B. ROLL CALL: The following members attended in the Assembly chambers or via zoom webinar - James Becker, Debbie Hart, Matthew Leither, Mark Ridgway, Annette Smith, Shem Sooter, and Don Etheridge.

Absent: Paul Grant, and Albert Wall.

Also in Attendance: Mr. Uchtyl – Port Director, Matthew Creswell – Harbormaster, Emily Wright – CBJ Law, and Teena Larson -Administrative Officer.

C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES – No Changes

MOTION By MS. HART: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS –

Emily Wright with CBJ Law. Ms. Wright said last week at the Operations-Planning Committee meeting, the question came up about Mr. Stopha's email regarding the possible surcharge added to cruise ship moorage fees and whether this was actually a head tax? Docks & Harbors can increase the dockage fees in the 200' and greater range which would be a policy call. The proposal by Mr. Stopha adding a fee to a cruise ship passenger would be considered a head tax. There are no current cruise ship agreements. We did have a CLIAA settlement a few years ago. She said she spoke with the City Attorney Palmer and if Docks & Harbors wants to raise the head tax that will need to be done separately.

Ms. Smith asked if we implemented a surcharge, would it be subject to the lawsuit that directs how money can be spent under the head tax.

Ms. Wright said that is correct. The surcharge Mr. Stopha proposed was based on per vessel/per passenger and that would be subject to the head tax.

E. PUBLIC COMMENT ON THE PROCESS TO INCREASE ALL RATES 9%.

Mr. Etheridge commented this topic will be limited to clarification questions only.

Clayton Hamilton, Juneau, AK

Mr. Hamilton said he is a fisherman and has been following this for a while. He started by thanking the board for backing off a flat rate raise because that was crazy and insane and totally unjustified at least. He commented that the 26 motions on the agenda address Docks & Harbors as they are one enterprise. He said the Docks side is facing growing costs and the Harbors are already chipping in more than their share. The solution would be to move ahead on the first three motions increasing the Docks fees and leave the Harbors alone because they are in the black. There are two separate enterprises in which we are talking about Docks short comings with rapidly growing costs. Why are we talking about Harbors at all because we are in the black, doing fine, and no reason to raise rates. He would leave all harbors fees alone. He said he is not against tourism, but the Harbor users are paying too much. He commented that he appreciated Mr. Uchtyl bringing Ketchikan fees forward and suggested the Harbors should be tied to a regional average based on a statewide average. There is already an annual adjustment and the Harbors is doing fine. He said he is

pleased by the progress made but do not destroy local businesses and impact local residences negatively by raising rates.

Shane Krause, Juneau, AK

Mr. Krause said he is a liveaboard and recreational user and owns two vessels in the Harbor totaling 100' of dock. He supports the fishing industry and all commercial users. He said this is a big impact to him and his family. He used to work for the Port of Friday Harbor as the leasing agent responsible for adjustments and he has never seen something like this as a flat recommendation. He said the survey that was done was flawed and should be readdressed. He said he fully supports raising fees for the cruise ships, they are big money and taking the majority of their money back with them to their town. They own too many businesses in town and the money does not stay here. On the Harbors side, there is no need to raise fees because it has been in the black. The Harbors does not need to grab the money and keep doing projects one after another. The Harbors is currently in the black and if a project needs to wait a couple of years because it does not have enough money, then it will just need to wait. He said meanwhile, maintenance is not being held up. He has asked for the Douglas parking lot pot holes to be fixed and they are just getting worse every day it rains. Nothing has been done but promises were made to put chip seal on the lot to protect vehicles. He is not sure if that is still going to happen. He has also heard Harbors has been working on adding restrooms with showers. He wants to know for who, because there are two restrooms right across the street. Parks & Rec manages two other facilities right close and they have the Port a Potties at the Harbors. Meanwhile, we have a lot of security issues that are not being addressed. We need gates on the ramps and more security at night and not fancy facilities. There is one security person covering all the Harbors and Docks and he is over worked. He is unable to be in all the places at once. It has been left up to the Liveaboards to provide security and documentation of things happening when people walk onto our property and steal our stuff while we are present. That is a recipe for disaster. We asked for simple things like lights in the parking lot but Parks and Rec is providing street lights along Savikko Park and there is sufficient lighting in the parking lots now. The \$50,000 set aside for the lights can be put back in the budget. The dumpsters have been being abused by the general public and more so now because the dump fees have gone up. He said in a previous meeting it was stated that the Harbors pays \$250,000 in trash fees and probably 90% of that is from outside Harbors. Yet nothing is being done. He said he was told to take pictures of license plates and confront people but he is not on the payroll and that is not his job. It is also openly stated that liveaboards should be dissuaded from using the facilities. If the liveaboard presence in the Harbors is pushed out, the problems are just going to increase. He said he reported a watermain break a few weeks ago on a Saturday at 4:30 pm when staff was heading home for the weekend and they were able to come shut it off and not have it run wide open all weekend. There was a float home in Douglas that came untied at 2:00 am. Another Liveaboard saw this and got help to get it secured. He went and further secured it in the morning. If that had ended up on the rocks overnight there would have been a bigger mess to deal with. Raising these fees will end up with a lot more derelict vessels as people are forced to abandon them. There will be more problems in the Harbors with less people there. With the fact that there is a waitlist because Aurora Harbor has not been built out is not justification to raise rates.

Lacey Derr, Juneau, AK

Ms. Derr said she is a former Board member and was on the Finance Committee that was part of this rate study. She is calling in favor of the rate increase because she knows the work that has been done and what the numbers came down to. At this time, Harbors is barely breaking even because of the cuts being made just to survive. The patrons want the services to remain and she heard in the earlier testimony that the patrons want increased services. The only way to increase services is to increase rates. This is the cost of inflation, parts, and services. This will mean her rates will increase also and this is not something she looks forward to but she knows this needs to be done in order to be successful. This is a hard decision for the Board but this is a starting point and she is in favor of it.

F. PUBLIC HEARING

1. Proposed Regulation change to 05 CBJAC 15.030 - Dockage Charges

Mr. Uchytel said this fee is for vessels docking at the Alaska Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float, the Port Field Office float, and the Inside of the Cruise Ship Terminal Float. With the exception of yachts and fishing vessels, these fees go into our Docks revenue. He stated the rate increase amounts and fiscal note change is in the packet on page eight.

Board Questions - None

Public Comment

Clayton Hamilton, Juneau, AK

Mr. Hamilton said the fishing vessel fee was charged and he did pay it. He wanted it known that this is a Docks Enterprise fee and should be moved forward and leave Harbors alone.

Board Discussion/Action -

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE DOCKAGE CHARGES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. Proposed regulation change to 05 CBJAC 15.040 - Port Maintenance Fee

Mr. Uchytel said this fee is a Docks Enterprise fee and assessed at the Alaska Steamship Wharf, Cruise Ship Terminal, and the Intermediate Vessel Float. It is to provide for maintenance and improvements to the facilities. He stated the rate change and the fiscal note is on page eight in the packet.

Board Questions –

Mr. Ridgway asked if the letter in the packet from CLIAA was responded to that talked about the Port Maintenance fee being very similar to the head tax?

Mr. Uchytel said he did not plan to respond. The letter is in tonight's packet. He said he will respond if the Board wants a response. The position CLIA-Alaska is representing on behalf of their membership is that Docks should sunset the Port Maintenance fee because this was established for maintenance, and improvements to the facilities, but we are using the head tax for the majority of the maintenance and recapitalization needs. That is a fair statement, but if we did not have the maintenance fee we would have to increase dockage fees even more.

Mr. Ridgway said he sees a connection in past discussions that Statter Harbor is a more expensive Harbor as far as rates go, one of the justifications for that in an anecdotal sense is that it is a very sought-after Harbor. There are a lot of people that want to be there and that is somehow connected to the rate. In terms of the Docks fees, is that same logic used for the dockage fee and port maintenance fee that the Juneau docks are highly sought after?

Mr. Uchytel said we do not. There was an attempt a couple of years ago to raise dockage fees and the Assembly did not approve the increase. The Dockage and Port Maintenance fee has not increased or been adjusted by CPI since 2005. It is now tied to CPI as of two years ago. We have not taken the stance of adjusting sought-after docks because of the politics behind these fees.

Ms. Hart said referring to CLIA's public input letter's last paragraph, does the Docks & Harbors Board only have oversight on the Port Development Fee?

Mr. Uchytel said the Port Development Fee is a head tax and the Board does not have a direct impact on the Port Development fee. The Finance Department pays the bonds on our behalf for the cruise ship docks and Seawalk. The Port Maintenance Fee is under the Board's oversight.

Public Comment –

Clayton Hamilton, Juneau AK

Mr. Hamilton said Mr. Stopha's letter did not suggest a per passenger fee assessment. He suggested a per ship fee assessment and talked about how it would break down by the cost per passenger. There is a big difference. Everyone is afraid of duplicating a head tax but that is not what Mr. Stopha is proposing. The fee would be incumbent to the boat. This fee is very low. He would start by raising this fee by 9% and keep raising it. He suggested to see if Docks would be prepared for the next COVID year? The Port Maintenance Fee should be for maintaining the port facilities and their huge costs even during bad years.

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE PORT MAINTENANCE FEE 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

3. Proposed regulation change to 05 CBJAC 15.060 - Vessel Lightering Fee

Mr. Uchtyl said this is an anchoring fee for the cruise ships when using the Port Office Field Float or the Intermediate Vessel Float to drop off passengers. He stated what the rate will change to and the fiscal note on page eight in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE VESSEL LIGHTERING FEE 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

4. Proposed regulation change to 05 CBJAC 15.080 - Loading Permit Fee

Mr. Uchtyl said this is a bus loading fee for downtown lots for the A, B, and C zones. There is a Company fee and a onetime seat fee. He stated the fee increases and the fiscal note increase on page eight in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE LOADING PERMIT FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

5. Proposed regulation change to 05 CBJAC 15.110 - Boom Truck Usage Fee

Mr. Uchtyl said Docks & Harbors owns a boom truck acquired through a Tiger Grant in 2012. He stated the fee increase and the fiscal note on page eight in the packet. The boom truck was purchased with the idea that we could help commercial fisherman move their gear around. The fee was intentionally higher than other commercially available boom truck so not to compete with them. The direction was to only move gear around our yards and not to take it to private properties. This is a very valuable tool for Docks & Harbors but in the last year there has been no revenue generated from the boom truck use. He

said it was used when the cranes were down at the Juneau Fisheries Terminal which helped commercial fisherman with changing their gear.

Board Questions - None

Public Comment –

Clayton Hamilton, Juneau, AK

Mr. Hamilton said as noted, this fee is already higher than commercially available so there is no reason to raise it. There is a private company that has a boom truck down, so it is recommended to have this ready for use. Not every Harbor has a boom truck but we are charging more than Wrangel.

Board Discussion/Action

Mr. Sooter said the \$136.00 boom truck rate is far cheaper than the current going rate of \$185.00.

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE BOOM TRUCK USAGE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

6. Proposed regulation change to 05 CBJAC 20.020 - Special Annual Moorage Fee for Skiffs

Mr. Uchytel said this fee is for open hulled vessels less than 21' in length for Aurora, Harris, Statter, and Douglas Harbor. He stated the fee increase and the fiscal note on page eight in the packet.

Board Questions –

Ms. Smith asked if that means that someone is paying \$30.83 monthly for their skiff?

Mr. Uchytel said that is correct.

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said he is opposed to moving this rate increase forward. This only affects locals and there are not enough spots for these skiffs already. He has used this skiff moorage fee for a couple years for his personal boat and often there is not space for a skiff. You will be charging people more for something that is not 100% provided.

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE SPECIAL ANNUAL MOORAGE FEES FOR SKIFFS 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

7. Proposed regulation change to 05 CBJAC 20.030 - Daily Moorage Fees

Mr. Uchytel said this fee is charged on a daily basis for vessel at Aurora, Harris, Douglas, Norway Point float, National Guard Float, Fisherman's Terminal Float, and Statter Harbor. We have the same daily rate downtown as we do at Statter Harbor. He stated the fee increase and the fiscal note on page eight in the packet.

Board Questions - None

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said this is just locals the Board is talking about taking the hide off. He said to not do this. Juneau is already the most expensive Harbor just looking at Downtown and Douglas and even more expensive than Sitka. He said he knows there is a discount if you can get there in the one week it is

available in July. This makes our Harbors less competitive regionally. He knows businesses that have moved to Hoonah, Pelican, and Haines because of costs. We should be good to our residence and be good to our regional neighbors too. He said he would like to see a competitive harbor system in Juneau. This is already adjusted annually and do not raise this fee even higher. We do not need to do this.

Board Discussion/Action

Mr. Leither commented that he wanted it on record why he is voting for this increase. He said nobody likes this increase including himself. He said his biggest concern and the reason he is voting for this increase is because he looks at the replacement analysis in the study and the fact that we have aging infrastructure which will need replacement at some point in the future. When he first came on the Board he thought the Harbors is in the black and doing fine but if you look at the reserve replacement analysis the Harbors will need millions and millions of dollars to run what we have. He said he is not advocating this fee increase to balloon the system but replace what we have.

The alternatives would be –

- Close harbors - but they are already used to capacity,
- Take out bonds when the Harbors need to be replaced - but then we are paying interest for years and costing more in the long run,
- Depend on Government grants - but those are hard to come by and not always successful

He said looking toward the future, even though this fee increase is painful, this is the most reasonable way forward.

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE DAILY MOORAGE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

8. Proposed regulation change to 05 CBJAC 20.035 - Monthly Moorage Fees

Mr. Uchytel said there are two fees for the monthly moorage fees. There is the downtown rate (charges to vessels at Harris, Douglas, Aurora, Norway Point, National Guard, Fisherman's Terminal) and the Statter Harbor monthly moorage fee. He stated the fee increase and the fiscal note on page eight and nine in the packet. He noted that there is a 10% discount for pre-paying monthly moorage annually and 5% discount for prepaying six months moorage.

Board Questions –

Ms. Smith asked if it would be a difficult thing to pull out the commercial fisherman fleet and phase this fee in.

Mr. Uchytel said staff will do whatever is directed by the Board.

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said he wanted to address Mr. Leither's comment. He said we would not have airports, roads, or you name it without public money. Harbors are public things and built with Army Corps of Engineers money and have been maintained in the interim with Army Corps of Engineer money and when the time comes, we will get more of the Army Corps of Engineers money. He believes we should not be talking about our replacement responsibility when little communities all across the state are figuring it out. Cordova and Hoonah is figuring it out but here in the big city we can not figure it out and that is embarrassing.

Mr. Shane Krause, Juneau, AK

Mr. Krause brought up the comparison with Sitka's permanent moorage to downtown. He believes Statter is a better comparison and with that comparison Juneau is charging twice Sitka's moorage rates. We were just hit with an 8% increase and 9% on top of that is hard to swallow.

Board Discussion/Action

Ms. Hart said for discussion purposes she wanted to put a motion on the table acknowledging Mr. Leither and other public comment throughout this process.

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE MONTHLY MOORAGE FEES 9% AND ASKED FOR A ROLL CALL VOTE.

Mr. Leither commented in his mind this regulation change is to support Docks & Harbors for years and years to come but he is also acknowledging times are tough right now. He believes the rate needs to increase 9% but would be more in favor of that over two or three years.

Ms. Hart asked if Mr. Leither was asking for a friendly amendment to her motion?

Mr. Leither said he would like to make a friendly amendment to spread this fee increase out over three consecutive years with 3% each year.

Roll Call Vote

Jim Becker – Yes

Debbie Hart – Yes

Matthew Leither – Yes

Mark Ridgway – Object

Annette Smith – Yes

Shem Sooter – Yes

Don Etheridge – No

Amendment to the Motion passed

Ms. Smith wanted to clarify that the 3% spread out over three years will be in addition to the cost of living increase done annually.

Mr. Etheridge said that was correct.

Roll Call Vote on the full Motion

Jim Becker – Yes

Debbie Hart – Yes

Matthew Leither – Yes

Mark Ridgway – No

Annette Smith – Yes

Shem Sooter – Yes

Don Etheridge – No

Motion Passed as amended.

9. Proposed regulation change to 05 CBJAC 20.045 - Fee for Tenders

Mr. Uchytel said this fee is applied to tenders that moor alongside their primary vessel in the water. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions –

Ms. Hart asked who would be charged this fee?

Mr. Uchtyl said this fee is not routinely used but it is in our regulation.

Mr. Creswell said he does not know of a time when this was used. When we generally think about tenders it is the yachts with reservation moorage and their tenders fall under the reservation rate for moorage. It was probably charged to the seine fleet when we had a fleet.

Public Comment

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said that is different than what Ms. Larson explained to me yesterday. This fee does apply to the tenders that work at Icy Strait and AGS. He said this will come out of his revenue ultimately. That is fine that yacht's are charged this but please leave local businesses alone and do not raise this fee.

Board Discussion/Action

MOTION By MS HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE FEE FOR TENDERS 9% AND OPEN IT UP FOR DISCUSSION.

There was no additional discussion

Roll Call Vote

Jim Becker – Yes

Debbie Hart – Yes

Matthew Leither – Yes

Mark Ridgway – Yes

Annette Smith – Yes

Shem Sooter – Yes

Don Etheridge - Yes

Motion Passed

10. Proposed regulation changes to 05 CBJAC 20.050 - Residence Surcharge

Mr. Uchtyl said this fee is assessed to the owner of a vessel when the vessel is used for their residence for three or more days in a calendar month. There is an additional fee for vessels having over four individual residing aboard the vessel. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions

Mr. Becker asked Mr. Uchtyl to explain how the additional charge for over four people is applied.

Mr. Uchtyl said for up to four people is the regular residence surcharge. When there is a fifth or sixth person they are each charged the fee for over four residence.

Ms. Smith asked if in addition to these the residence are charged water, sewer, and electricity, or nothing?

Mr. Uchtyl said they would also pay moorage, there is no water or sewage charge and we provide pump out services at all our facilities. The liveaboards typically have electricity in their name with AELP so we collect no revenue for our electrical infrastructure.

Mr. Becker commented that the fisherman just received a break by breaking down moorage 3% per year but we are not giving the Liveboards that benefit? They are paying stall rate based on their own financial circumstances whereas fisheries pay their stall rent over their product of fishing and it does not seem fair.

Mr. Leither said he is a Liveboard and he believes the last proposal for the monthly rate of spreading the 9% out over three years was passed was because that fee affects everyone with their boat in the Harbor. That does give the liveboards, fisherman, and recreational users a break. He wanted it clarified that the liveboards are also going to receive the break from the monthly fee being spread out over three years.

Public Comment

Mr. Shane Krause, Juneau, AK

Mr. Krause said there has been a list in the past published about all the benefits the liveboards receive. Those are available to everyone and not just specific to liveboards. The water service is available to everyone and some people abuse it and leave hoses running, but those are not liveboards and he has shut hoses off multiple times. The electricity is typically paid to AELP. As noted previously, the garbage is heavily abused by the general public and the liveboards garbage is not what is filling the garbage bins. The pump outs are not exclusive to liveboards. Some boats have treatment onboard and do not use the pump out facilities. Snowblowing is required for the docks. It was noted in the past that these fees need to be increased due to the snowblowing for the liveboards. These fees should not be increased but decreased because the only benefit would be the pump out because the cart is brought to the vessel and that does not affect all boats.

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said the comments in this packet do not include the comments provided by liveboards on fixed income from the August meeting where they said they were on a fixed income and he believes there were three individuals. We could look at the record but no one recorded their comments. This is not just a money grab but it is morally repugnant. This is the most affordable housing in town. He remembers a couple of years ago Mr. Leither's comments when the Board was trying to increase by 100% that the Harbors was already receiving more than what the liveboards receive. He said you can take it out of the poorest people in our community if you feel good with that, but this is bad management. He is going to keep telling everyone in town what the Board is doing, keep arguing against this, and make a stink at every level he can. The Board is hurting the poorest people in town and there is already a housing problem. He said do what you think best.

Board Discussion/Action

Ms. Hart said for full disclosure she has a houseboat in Aurora Harbor and pays this fee.

MOTION MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE RESIDENCE SURCHARGE FEES 9% BUT DO 3% FOR THE NEXT THREE CONSECUTIVE YEARS.

Ms. Wright said she is currently seeking clarification on the previous motion on the moorage fees. She believes it would apply to this one as well. You can spread this out over three years but there needs to be clarity about the CPI and compounding. To do the math, are we doing 3% plus CPI for the next three years. That will end up being a lot more than just the 9% or are we doing 9% over the three years and not doing a CPI. If your intent is not touching CPI and just spreading the 9% over the three years is what she believes is the intent of the Board but she needs clarification.

Mr. Uchtyl said the intentions tonight would be to start this fee increase January 1st and the CPI is not added until the new fiscal year that starts July 1st. In this case the CPI is always adjusted July 1st. He understands the Board wanting to increase the fees by 3% in January for the next three years. Mr. Etheridge asked Ms. Wright to provide information pertaining to a conflict of interest for Board members that are liveboards.

Ms. Wright said the conflict of interest would be the Chair's decision. The question is, whether this is broad enough in application overall, that the Chair would be comfortable allowing them to vote. Do they have a financial and personal impact. If the Chair allows the Liveboard-Board members to vote, any Board member can call a question and overrule what the Chair has decided.

Mr. Leither and Ms. Hart both declared they are Liveboards.

Mr. Etheridge ruled that the two Board member Liveboards can vote on this topic.

Mr. Leither commented that he is sympathetic to what is being discussed but his concern is when we start picking out individual groups and deciding to increase slowly and not increase other things slowly is a difficult thing to defend. Raising all the rates at the same time has been okay with him because individual groups are not being picked out. The reason he felt comfortable with the monthly moorage raising over three years was because it affects almost everyone in the Harbor so the argument of being favorable to individual groups does not apply. He does not support doing a slow increase for the Liveboard fee.

Mr. Ridgway commented that the Board has been working on this rate study for several years and this year has been economically difficult for some people. He does not believe this is the only option Board members have if there are individuals that need help. If the fisherman are *in extremis* next year, the Board can do something. The whole reason we are in this position is because over 14 or 15 years we did not adjust our rates. He did hear comment the Harbors is in the black but that does not mean there is enough money. We have to have matching funds for grants, and we have to have money in our fund balance to be able to provide services and do maintenance. The rate increase tonight that has been talked about for years does need to happen. If any member of the Board sees a specific part of our community that needs additional support we can find other ways to help them. These rates are not our only tool.

Ms. Smith made a friendly amendment to spread this 9% increase over three consecutive years.

Mr. Etheridge objected to the motion.

Ms. Hart removed her motion.

MOTION By MR. RIDGWAY: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE RESIDENCE SURCHARGE FEES 9% AND ASK UNANIMOUS CONSENT.

Ms. Smith objected. She would like to add an amendment to that motion to spread the 9% out over three years. This is the most affordable housing in town, and we do have a housing problem. She believes a lot of the liveboards are on fixed or low income.

Mr. Ridgway said he appreciates this is affordable housing, and he believes at one point all or almost all the Board members were liveboards. He does not see this as the best way to address this and make it affordable housing. From a business standpoint, this is needed. If we want to find a way of assisting people, we can pursue other ways to do that.

Roll Call Vote on the amendment to the motion which is to spread the fee out for three years.

Jim Becker – No

Debbie Hart – Yes

Matthew Leither – No

Mark Ridgway – No

Annette Smith – Yes

Shem Sooter – No

Don Etheridge – No

Motion failed

Roll Call Vote on the original motion of increasing the Liveaboard surcharge fee by 9%.

Jim Becker – Yes

Debbie Hart – Yes

Matthew Leither – Yes

Mark Ridgway – Yes

Annette Smith – Yes

Shem Sooter – Yes

Don Etheridge – Yes

Motion Passed

11. Proposed regulation change to 05 CBJAC 20.060 - Recreational Boat Launch Fees

Mr. Uchtyl said this fee is for a boat trailer launching a vessel or a vehicle launching a kayak at any of our launch ramp facilities. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions

Ms. Smith asked if the people who use our launch ramp area with ATV's are charged a launch ramp fee?

Mr. Creswell said we do enforce Echo Cove but not as much as we would like. This can be a dangerous area to enforce with just one staff member. A lot of times people are out there under the influence and it can be testy with just one person trying to take enforcement. When we can we do go out with two people for better enforcement.

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said the next highest launch ramp fee he can find is Petersburg at \$75.00 annually. He said we are already winning. He said he will lay it on heavier if the Board wants. We are already winning guys.

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE RECREATIONAL BOAT LAUNCH FEES 9% AND ASK UNANIMOUS CONSENT AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

12. Proposed regulation change to 05 CBJAC 20.070 - Fees for Commercial Use of Boat Launches.

Mr. Uchtyl said this is a commercial user fee assessed to all of our boat launch facilities. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions

Mr. Becker commented that the passenger vessel is going to go up 9% but what about the passenger fee.

Mr. Uchytel said the per passenger fee is increasing also.

Public Comment

Board Discussion/Action

MOTION By MS HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE FEES FOR COMMERCIAL USE OF BOAT LAUNCHES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

13. Proposed regulation change to 05 CBJAC 20.080 - Passenger -for-hire fee

Mr. Uchytel said this is for the Charter Operators primarily operating out of Statter Harbor. Every vessel pays a per vessel fee and then they pay the per person fee. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE PASSENGER-FOR-HIRE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

5 MINUTE BREAK

14. Proposed regulation change to 05 CBJAC 20.090 - Statter Boat Harbor Bus Lot Permit Fee

Mr. Uchytel said much like the downtown bus fee we have a bus fee at Statter Harbor. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions -

Public Comment - None

Board Discussion/Action

MOTION: TO RECOMMEND TO THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE STATTER BOAT HARBOR BUS LOT PERMIT FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

15. Proposed regulation change to 05 CBJAC 20.100 - Grid Usage Fee

Mr. Uchytel said this is a per foot fee for use of the grid. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions

Ms. Hart asked who uses this fee?

Mr. Creswell said it is a variety of users.

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said it feels like he is talking to himself. We are already paying twice as anywhere else. The grid has not been improved ever in the time he has lived in Juneau. Maybe with this increase we

will see 9% improvements or maintenance, or maybe not. He said Harri's is the only other place to get hauled out with a boat like his and due to the increases in their lease from the harbors they have increased their rates over 50%. Everyone is paying more for less. Grids are too expensive and the poorest people use this because they cannot afford to haul their boat. He said he is sure the Board already understands that.

Board Discussion/Action

MOTION By MS HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE GRID USAGE FEES 9%.

Roll Call Vote –

Jim Becker – Yes

Debbie Hart – Yes

Matthe Leither – Yes

Mark Ridgway – Yes

Annette Smith – Yes

Shem Sooter – Yes

Don Etheridge – Yes

Motion passed with no objection.

16. Proposed regulation change to 05 CBJAC 20.110 - Crane Use Fees

Mr. Uchtyl said we manage three cranes at the Juneau Fisheries Terminal and two cranes at the Auke Bay Loading Facility. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions - None

Public Comment –

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said Cordova has free cranes. A lot of communities subsidize things like that to stimulate harbor business. He said going beyond the fundamentals of what the Board is doing here by choking off the smallest and the people struggling the hardest, the cranes are hardly ever working and it should be shameful to jack up the rates. Even when you neck down the fittings and make them run slower. Even when you forget to fix them before crab season. Even when they are left inaccessible for long periods of time. He said you should be looking at services provided. If you are not providing a legitimate service, then raising rates is just exploitative and a money grab. Fix the cranes and then talk about raising rates.

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE CRANE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

17. Proposed regulation change to 05 CBJAC 20.130 - Storage Fees

Mr. Uchtyl said there are two fees under this regulation. One is for long term storage and the other is harbormaster designated space in the Aurora Harbor, Douglas Harbor, and the Auke Bay Loading Facility. He stated the fee increase and the fiscal note on page nine in the packet. He noted there has been no vessel storage fees collected for the Auke Bay Loading facility since the commercial boatyard moved to that location. He discussed this with the Harbormaster and they have decided to delete the Auke Bay Loading Facility vessel storage the next time we do regulation changes.

Board Questions –

Ms. Smith asked if this is just setting rates on our locations and this has nothing to do with Karl's.

Mr. Uchytel said that is correct.

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE STORAGE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion Passed with no objection.

18. Proposed regulation change to 05 CBJAC 20.140 - Staff Labor Fees

Mr. Uchytel said this fee is if there are exceptional duties carried out by staff. He gave examples of when staff deals with impound vessels, or respond to an oil spill or similar type chargeable events. There is also a boat charge under this regulation. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions –

Ms. Smith asked if the staff labor fees cover the actual employee cost?

Mr. Uchytel said this fee is in excess of what we pay for a harbor officer's hourly rate.

Public Comment – None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE STAFF LABOR FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

19. Proposed regulation change to 05 CBJAC 20.150 - Reserved Moorage Waitlist Fee

Mr. Uchytel said we have a requirement that if someone wants to be put on a waitlist they need to fill out an application and pay the initial fee and then an annual fee to stay on the waitlist. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE RESERVED MOORAGE WAITLIST FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

20. Proposed regulation change to 05 CBJAC 20.170 - Private Boathouse Surcharge

Mr. Uchytel said this should be corrected in the future to Boat shelter. He stated the fee increase and the fiscal note on page ten in the packet.

Mr. Etheridge noted that he owns a boat shelter.

Mr. Ridgway noted he also owns a boat shelter.

Ms. Wright said it would be up to the co-chair if Mr. Etheridge and Mr. Ridgway had a conflict of interest.

Ms. Hart is the co-chair. She said this is similar to the Liveaboard fees and believes this is not a conflict of interest.

Ms. Wright said if any Board member objects to Ms. Harts decision this would be the time to object.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE PRIVATE BOATHOUSE SURCHARGE FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

21. Proposed regulation change to 05 CBJAC 20.175 - Fee for delivery and sale of fuel at the Auke Bay Loading Facility.

Mr. Uchtyl said this is a fee anytime fuel is delivered to the Auke Bay Loading Facility. He stated the fee increase and the fiscal note on page ten in the packet.

Board Questions –

Ms. Hart asked where this fee came from?

Mr. Uchtyl said this was increased when we renegotiated Petro Marine fuel dock lease. It is the same fee that Petro Marine pays at their fuel float in Statter Harbor. This is not used very often.

Mr. Creswell said it is used about five times per year.

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE FEE FOR DELIVERY AND SALE OF FUEL AT THE AUKE BAY LOADING FACILITY 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

22. Proposed regulation change to 05 CBJAC 20.120 - Auke Bay Loading Facility - Float Moorage

Mr. Uchtyl said this is a fee at the Auke Bay Loading Facility float. This is a highly desirable float and we encourage rapid use and turnover. There is no cost for the first two hours of use but after that it is a graduated rate encouraging people to get their work done and move off the float. He stated the fee increase and the fiscal note on page ten in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE AUKE BAY LOADING FACILITY - FLOAT MOORAGE 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

23. Proposed regulation change to 05 CBJAC 20.220 - Auke Bay Loading Facility Float - Mechanical Work Zone

Mr. Uchtyl said this fee is for an area designated by the Harbormaster for break down mechanical

work. This is not used very often. He stated the fee increase and the fiscal note on page nine in the packet.

Board Questions - None

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE AUKE BAY LOADING FACILITY FLOAT - MECHANICAL WORK ZONE FEE 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

24. Proposed regulation change to 05 CBJAC 30.010 - Shorepower access fees

Mr. Uchtyl said in the packet there is a couple dozen shorepower access fee based on if it is a liveaboard, winter, summer and different amperage. Most people with reserved moorage have an account with AELP. He stated the fee increase and the fiscal note on pages ten and eleven in the packet and said the 9% increase would provide an additional \$30,000.

Board Questions - None

Public Comment – None

Board Discussion/Action

Mr. Leither asked if the \$30,000 was what we collect or if that was with the 9% increase?

Mr. Uchtyl said that is after the 9% increase.

MOTION BY MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE SHOREPOWER ACCESS FEES 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

25. Proposed regulation change to 05 CBJAC 40.010 - General moorage management policy

Mr. Uchtyl said this fee is for the vessel salvage and disposal fee. This is a tax for vessels that cannot obtain insurance. He stated the fee increase and the fiscal note on page eleven in the packet.

Mr. Etheridge noted that he pays this fee.

Board Questions -

Ms. Smith asked if the income received from this covers the amount we spend on derelict vessels?

Mr. Uchtyl said we collect about \$20,000 every year. Every time we dispose of a vessel it is approximately \$7,000.

Mr. Creswell said occasionally this does cover our costs but largely it does not. He currently has two vessels to dispose of that will be easily \$20,000 each.

Public Comment - None

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE GENERAL MOORAGE MANAGEMENT POLICY, ALSO KNOWN AS THE SALVAGE AND DISPOSAL FEE 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

26. Proposed regulation change to 05 CBJAC 40.065 - Vessel anchoring requirements

Mr. Uchytel said this fee is relatively new and a result of the LUMBERMAN. For vessels that want to Anchor for more than two weeks they need to get a permit. He stated the fee increase and the fiscal note on page eleven in the packet.

Mr. Creswell noted this has been used once in the past four years. Most vessels anchor on State tidelands and not CBJ tidelands.

Board Questions - None

Public Comment

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton said he wonders if the LUMBERMAN would have been affected by the LUMBERMAN rule, since they were so non-compliant with everything else. With this and the uninsured fee, if you add burdens on these people that are already cut and run, they are going to cut and run. We will end up paying the disposal fees. This seems short sided.

Board Discussion/Action

MOTION By MS. HART: TO RECOMMEND THE ASSEMBLY ADOPT REGULATION CHANGE TO INCREASE THE VESSEL ANCHORING REQUIREMENTS 9% AND ASK UNANIMOUS CONSENT.

Motion passed with no action.

G. STAFF AND MEMBER REPORTS - None

H. ADJOURNMENT - The meeting adjourned at 8:02pm.



DOCKS AND HARBORS REGULAR BOARD MEETING MINUTES

October 26, 2023 at 5:00 PM

City Hall Conf. Room 224/Zoom Meeting

- A. CALL TO ORDER** – Mr. Etheridge called the meeting to order at 5:00pm in CBJ Room 224 & Via Zoom.
- B. ROLL CALL:** James Becker(arrived at 5:26pm), Paul Grant, Debbie Hart, Mark Ridgway, Annette Smith, Shem Sooter, and Don Etheridge.

Absent: Matthew Leither and Albert Wall

Also in attendance: Carl Uchtyl – Port Director, Jeremy Norbryhn – Deputy Harbormaster, and Teena Larson – Administrative Officer.

C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES

Mr. Uchtyl said the P3 information was not ready for tonight's meeting, and he requested it be pulled from the agenda. He also wanted to add a Special Order of Business after Public Participation.

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

Motion passed with no objection.

D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

SPECIAL ORDER OF BUSINESS –

Mr. Uchtyl said the Board is aware that Mr. Matthew Creswell received Harbormaster of the year. He is attending training in Florida and not here tonight. He read the nomination for Mr. Creswell. He received this award at the September AAHPA conference held in Ketchikan.

E. APPROVAL OF MINUTES

1. September 28th, 2023 Board Minutes – Hearing no objection, the minutes were approved as presented.
2. October 4th, 2023 Special Board Minutes – Mr. Uchtyl said these minutes were just added to the packet at noon today. There is no requirement to approve these tonight if more time is needed to review.

Mr. Ridgway asked to be provided with more time to review these minutes.

F. CONSENT AGENDA

- a. Public Requests for Consent Agenda Changes - None
- b. Board Members Requests for Consent Agenda Changes - None
- c. Items for Action

3. Calendar Year 2024 Board Schedule

Recommendation: To approve the proposed 2024 Calendar.

4. Resolution 3045 in Support of full funding ADOT Harbor Facility Grant

Recommendation: To adopt Resolution 3045.

5. Resolution 3046 in support of increasing maximum ADOT Harbor Facility Grant from \$5M to \$7.5M

Recommendation: To adopt Resolution 3046.

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

Motion passed with no objection.

G. UNFINISHED BUSINESS

6. ~~Public/Private Partnership (P3) with Marine Exchange of Alaska
Presentation by Port Director~~

~~Board Questions~~

~~Public Comment~~

~~Board Discussion/Action~~

~~MOTION: TO DIRECT STAFF TO EXECUTE MEMORANDUM OF AGREEMENT (MOA) PURSUANT TO
CONSTRUCTING A JOINT FACILITY NEAR AURORA HARBOR.~~

7. Title 85 Proposed Changes

Mr. Uchytel said on page 31 in the packet is a draft letter to the Assembly that he was directed to write at the last Operations meeting regarding the proposed changes in Title 85 from the outgoing City Manager. In the letter, he added the proposed changes and then bulletized what he heard for reasonable responses to those changes, summarized in paragraph two based on feedback from this body, paragraph three is proposed language the Board may want to consider, and paragraph four talks about our mission statement and wanting to do a joint meeting.

Board Questions

Mr. Ridgway asked if Mr. Uchytel had reached out to the new City Manager on this topic?

Mr. Uchytel said he did provide the new City Manager with an in-brief. She was unfamiliar with the details for these changes, she was copied when the old City Manager sent this version, but she has not spent time reviewing the changes. Mr. Uchytel said he did provide the concerns from the Committee to the new City Manager. The letter in the packet is a draft document and he does not know when the Assembly will take action on the proposed changes. It has been discussed but he said he has not received any feedback.

Mr. Ridgway asked if Mr. Uchytel knew if this would be going in front of the Assembly anytime soon?

Mr. Uchytel said he did not know. He is not always notified with these things. The Board now has a working document that could be finalized quickly and be provided to the Assembly if we hear they will be discussing this topic.

Ms. Smith said, with this not being placed on any agenda, is the Assembly aware of the changes proposed by the old City Manager?

Mr. Uchytel said the Assembly would have known about the proposed changes at the Committee of the Whole meeting. However, before the old City Manager left, he updated Title 85 with additional changes and he does not know if the Assembly has seen the newest version of changes.

Mr. Grant asked if the language in paragraph three is intended to back us away from Dock decisions and full speed ahead on Harbors.

Mr. Uchytel said in paragraph three was what he heard from the old City Manager the two times he spoke at our meetings. That the Assembly did not want to hear from the Board on issues relating to the large cruise ship tourism. In this paragraph, he was trying to offer a counterpoint to what he thought was being suggested and try to provide a cleaner solution.

Ms. Smith commented that it is not the Board's business what the Assembly decides pertaining to large cruise ships. Our job is to enact and manage the Docks based on the policies set by the Assembly. She is

not sure why this change is needed. If the Assembly chose to eliminate all cruise ships coming into Juneau, then that is their business and not ours.

Mr. Uchytel said a lot of the deletions in Title 85 this Board does not do anyway. He said it seems odd to tell Docks & Harbors Board that the Assembly does not want their input when it pertains to the large cruise ships. He is trying to say in a polite way these changes may be short sided and to keep the Board as an advisory group. He is still trying to rationalize the proposed changes. He said if the Board had better language, he would like to hear what that is?

Mr. Ridgway asked where we are with the economic and maritime development stated in our mission statement? These changes will fundamentally affect our mission statement.

Mr. Uchytel said on page 34 in the packet has the language of the general powers of the Board. He said we do have a mission and vision statement. The mission statement is italicized on page 33 in the last paragraph. The vision and mission statement was a staff initiative. He did bring it to the Board but these are not codified by the Assembly.

Mr. Etheridge said he was told at the Assembly meeting he attended that there is going to be a large increase in cruise ship fees.

Mr. Uchytel said there was also an ordinance for introduction appropriating \$50,000 to the Tourism Manager for contractual services for Cruise Line Agencies of Alaska. Mr. Uchytel told the City Manager and the Tourism Manager that they already do this without appropriation. The belief was to better manage scheduling that they needed to have this contractual obligation with CLAA.

Public Comment - None

Board Discussion/Action

Mr. Grant noted that the letter is well written, and he believes the bullet points captured many of the Boards questions and confusion for the changes. He suggested starting the letter with paragraph four with the request to the Assembly for a joint meeting so this could get more attention. He said until we have more dialog and clear understanding from the new City Manager and Assembly, he does not believe this is the time to bifurcate the duties in the letter. He suggested removing paragraph three.

Mr. Ridgway said he would agree with Mr. Grant. From the discussion at the Operations Committee, he suggested adding definitions for cruise ships and tourism. He said he will follow up individually with staff with his suggestions.

MOTION By MR. RIDGWAY: TO DIRECT STAFF TO CONTINUE TO DRAFT CORRESPONDENCE TO THE ASSEMBLY AND CITY MANAGER CONSISTENT WITH BOARD DISCUSSION AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

Mr. Uchytel clarified this should be brought back to the Operations Committee meeting next month?

Mr. Etheridge said yes.

Mr. Uchytel reminded the Board that the end of November is when Docks & Harbors annual report to the Assembly is due.

Mr. Ridgway clarified that if the Title 85 changes are unexpectedly put on a COW Assembly agenda, staff could share a draft version of this letter?

Mr. Uchytel said he could.

8. Downtown Safety Railing Funds Transfer Request

Mr. Uchytel said on page 39 in the packet is a document he prepared for the Operations Committee meeting. Based on last week's meeting, he wants to move forward with executing a CIP project. On page 40 is a document that will be destined for the Assembly Public Works & Facilities Committee requesting to transfer funds. The final change to this letter would be to add a hyperlink for the video when the bicyclist went over the bull rail. If this letter is approved by the Board, it will be heard at the PWC meeting on November 6th. On page 41 in the packet is the letter that was sent to the Assembly in July. Staff currently has standard plans and specs ready for the next phase of the railing, we will just need additional CAD drawings.

Board Questions

Mr. Ridgway asked how accurate the estimate is for the railing?

Mr. Sill said he believes our estimate is on the high side for the railing.

Mr. Uchytel added the estimate we are using was from the deckover project which had limited contractors due to pile driving. This railing project does not require pile driving and so we are hoping for more contractors and receive favorable bids.

Mr. Ridgway asked for the LF of the deckover and how is staff proposing to maintain access to the safety rails?

Mr. Sill said the LF for the Marine Park Deckover project was around 100'. We anticipate the cost would drop with a longer railing. Regarding access to the safety rail, staff has some ideas to maintain access.

Ms. Hart said she has to leave the meeting at this time but supports the railing. **5:41pm.**

Public Comment - None

Board Discussion/Action

MOTION By MR. RIDGWAY: TO COMMENCE PROCESS TO CREATE CAPITAL IMPROVEMENT PROJECT (CIP) AND TRANSFER \$500K FROM THE DOCKS ENTERPRISE FUND BALANCE AND ASK UNANIMOUS CONSENT.

Ms. Smith objected.

Roll Call Vote

James Becker – Yes

Paul Grant – Yes

Mark Ridgway - Yes

Annette Smith - No

Shem Sooter - Yes

Don Etheridge – Yes

Motion passed.

H. ITEMS FOR INFORMATION/DISCUSSION

9. Board Input to CBJ Legislative Priority List

Mr. Uchytel said he received the list in the packet starting on page 48 this week. This is a process to prioritize the Board's input for the top two projects into the Legislative priorities and he will need this

input by next month. This is not projects that can be funded by other available funds such as marine passenger fees. There are three projects on this list, they are the North Douglas Launch Expansion, the Statter Harbor Wave Attenuator, and Aurora Harbor Rebuild Phase IV. On page 77 in the packet shows the process. Mr. Uchytel noted that the Statter Harbor project has the attention of Senator Murkowski.

Board Discussion

Ms. Smith asked if the plan for the Juneau Douglas Museum is to be located in the Peratrovich Plaza?

Mr. Uchytel said that is an Engineering project and they are looking at the Peratrovich Plaza for the location.

Mr. Ridgway asked how that will affect Docks & Harbors?

Mr. Uchytel said the Museum is consistent with the Urban design planning document Taku Dock to Marine Park to have a future attraction. Staff's perspective is to keep open space at that location and buy the uplands to locate the museum there.

Mr. Ridgway asked If there is data showing how much bus parking is used in the Peratrovich Plaza?

Mr. Uchytel said we do not, but it is used more than it looks.

Mr. Grant said he remembers doing a rank choice voting to come up with these three projects. Is that rank choice voting going to be done again before our final input? He said he does not recall where the new Harbor office for Aurora came in. In what place is the new Aurora Harbor building?

Mr. Uchytel said last year we did a survey monkey and he read off the FY24 top priorities the Board came up with.

- 1-Taku Harbor Maintenance & Repair - \$1.5M
- 2-Wayside Park Dredging - \$750K
- 3-Cruise ship dock safety railing - \$1.2M
- 4-Aurora Harbor replacement - \$1.5M
- 5-Statter Harbor Breakwater Feasibility Study - \$500K (cost share)
- 6-Procurement of two load tap changer transformers - \$5M

Auke Bay Seawalk/Baywalk – He said he was not sure why this was on Docks & Harbors list and it did not have a priority.

Mr. Grant commented that the list Mr. Uchytel read, and the priority list, does not have a lot of congruence.

Mr. Uchytel said a lot of the projects listed are currently being worked on:

- Taku Harbor – working on
- Wayside Park Dredging – working on
- Safety Railing – working on
- Aurora Harbor Office – working on
- Auke Bay Breakwater Feasibility Study – working on
- Load tap changer transformer – working on

Mr. Ridgway asked Mr. Uchytel to explain the internal process on how he works with the Port Engineer to determine a CIP project.

Mr. Uchytel explained in depth the process for many past projects process.

Mr. Sill added that projects come from master plans and condition assessments. When staff is walking the facility and if something is noted as needing fixed, then we have an expert come in to write a report

and provide a recommendation. If the recommendation determines something needs to be fixed, that is when we start a project.

Break – 5 Minutes

Public Comment - none

I. COMMITTEE AND MEMBER REPORTS

1. Operations Committee Meeting Report –

Mr. Ridgway said the Committee met last week and forwarded several items to the Board meeting tonight. The next Operations meeting is November 15th.

2. Assembly Lands Committee Liaison Report – Mr. Becker said the next meeting is November 6th.

3. South Douglas/West Juneau Liaison Report – Ms. Smith said there were no meetings.

4. Member Reports –

Mr. Ridgway said he has talked to other Board members one on one and based on those conversations, he would like staff to add to the next operation meeting agenda the rate setting policy that was established a couple of years ago. He wanted to amend the policy to create some mechanism within the policy that if there are members of the community that are *in extremis* due to a variety of financial circumstances, that we establish as a standard policy methodology to assist them, but to leave the rates alone.

Mr. Etheridge asked the Board members if they have interest in doing the annual Board retreat this year?

Mr. Ridgway commented that in previous years there were pressing issues, and he does not know of any at this time. If Title 85 needs to have further discussion, the Board could do a retreat, but at this time there is no need.

Board members agreed that there is no need for a retreat at this time.

J. PORT ENGINEER'S REPORT

Mr. Sill reported –

- Statter Harbor phase IIIC Restroom – Staff did the first winterization today for this facility and blew down the lines to get ready for winter. This project is largely completed but we are still waiting on a few things from Dawson Construction and our consultant for close out.
- Statter Harbor Restroom winter use – Our plan is to only keep the family restroom open through the winter. During the day it is unlocked but at night it is on a key fob entrance. The two large restrooms will be closed for the winter.
- Epoxy flooring - This will be installed in the new and the old restrooms in Statter Harbor. The new facility has bare concrete that is not ideal with the number of people going through that facility during the summer and the old restroom is looking shabby.
- The Cruise Ship berth winterization – He worked with the port crew to get all the water out of the lines for both the water and grey water system. With the cruise ships staying later and the cold temperatures there were some stressful days. As the season gets longer it gets more challenging for our infrastructure. Typically, the systems are shut down in the first week of October.
- Aurora Harbor Phase III – We are in the pre-construction phase and a lot of submittals are being reviewed. The construction of the floats should be next month. He intends to fly to Seattle to inspect the floats to ensure we are getting a good product. He has been in discussion with our

Protected Species Observers that are needed while doing our pile driving. We are still on track to start construction mid-December.

- Aurora Harbor Phase IV – R&M is working on the Corps of Engineers permit. We did receive a letter from the State waiving the eligibility requirements for our Grant application for phase IV. This is about a \$11M project. We are hoping that will cover all the floats: two main floats, headwalk, and reconnect the gangway at the Yacht Club. This will basically finish the north end.
- Marine Park Deckover – The Engineer's for this project still owe us some O&M manuals. The other interesting thing is Parks & Rec is working on a complete redesign of Marine Park. He is working with them to make sure their design works with the infrastructure that exists underground there.
- Douglas Harbor Safety Lighting Project - Our electrical term contractor will install four lights in the parking lot. Three will go in between the two gangways and the fourth will go northwest of the gangway closest to the launch ramp. They are all the same as the one installed at the launch ramp. He has applied for the building permits, and Alaska Concrete Casting is going to pour the bases next week for the poles. We hope to get this done as quickly as possible.
- Harris Harbor Security Gate – Mantle Industries is under contract for the aluminum structure. Carver Construction, our term contractor, will erect the structure on site. He is working with Juneau Alarm for the access controls. There will also be security cameras installed.
- Wayside Park Float inspection – Last month PND completed a hands-on inspection as well as Global Diving for an underwater inspection. Once the report is complete, he will go out for the dredging permit, and start on contract documents for the needed repairs and dredging.
- Concrete Breakwater Inspection(Ketchikan) – He received the videos from the underwater diving today. The people that looked at the breakwater said it was in great shape.
- Waterfront Safety Improvements - As soon as we have approval to move forward, he will work with one of our term contractors to throw together some bid documents so we can put it out to bid.

Mr. Becker asked if asphalt was going in at the Douglas parking lot?

Mr. Sill said SECON has equipment parked at the Douglas Parking Lot and in exchange for that use, they will put recycled asphalt in the lot.

Mr. Becker asked if fill was going to be put in first before the wrap?

Mr. Sill said they committed to bringing in wrap and role it in our lot.

Mr. Grant asked if the extended cruise ship season is getting in the way of staff winterizing our facilities. What if the cruise ships are not able to get water or cannot dump sewage?

Mr. Sill said in general terms, it does not affect our costs because we winterize anyway. The only time it would impact our costs is if there was damage. We did things to make sure our system did not freeze, and we got through. The process itself is not time-consuming and we watched the weather very closely. If the weather report said it was going to be cold for a long time, we would have winterized earlier.

Mr. Uchtyl pointed out that the cruise ships dump grey water but not sewage. At this time, there is not a need to change anything, but if we need to shut down early that is an option.

K. HARBORMASTER'S REPORT- The Deputy Harbormaster, Mr. Norbryhn reported –

- Staff have started winterization with blowing down the bathroom water lines and reprograming the doors so they are locked until spring. The Family bathroom will be open all winter from 7 am to 4:30 pm and can be accessed by a fob after hours.

- Staff is working on the winter hot berth list. All the vessels on the winter hot berth have been offered a space.

Mr. Ridgway asked if the passenger for hire vessels are just paying for the summer use and not all year long.

Mr. Norbryhn said they pay monthly rates through the summer and they do not pay all winter like a stall holder does.

L. PORT DIRECTOR'S REPORT

Mr. Uchytel reported –

- The Marine Exchange of Alaska approached Docks & Harbors earlier in the year wanting to expand their footprint downtown. Originally, they wanted to purchase land from us parallel to the Douglas Bridge facing where the old seaplane floats were. That area did not work out due to some DOT ROW challenges. They are now very serious about expanding their footprint in the Harris/Aurora Basin area to be able to consolidate their operations. They are currently part owner of the Hansen & Gress property, and they still have a desire for more space. Staff and Marine Exchange have been in discussions for a Public/Private partnership(P3). The public will provide the land and Marine Exchange would construct the building that would accommodate the needs of Aurora Harbor. He said he met with CBJ Law and the Lands Manager and they think it is a viable plan. For this to happen, the Board will need to approve this. He wants to bring the drawings to the November meeting and the next step would be for the Board to approve staff entering into a MOA with Marine Exchange. Docks & Harbors would provide the land and then we would have shared office space and parking with Marine Exchange.

Mr. Becker said the boat yard is very busy and there is a limited amount of space at this location. Where is the building going to be located?

Mr. Uchytel said the building would be located where the existing Aurora Harbor building, shed, and waste oil tank is. It will not encroach into the UAS owned property.

Mr. Becker asked where we are with the UAS property.

Mr. Uchytel said the lease has been extended for four years and per our agreement we will hire three paid interns, remove snow in the UAS area, provide free Transit and Eaglecrest pass discounts for UAS students.

Mr. Ridgway asked if when the P3 with Marine Exchange was brought to the Board in the past, was staff given direction to move forward with a MOA?

Mr. Uchytel said he believes it was just an information item in the past.

Mr. Etheridge asked if we are on the same timeline for the travel lift repairs?

- Mr. Uchytel said we are repairing the travel lift owned by UAS that is leased to Harri's Commercial Marine. Staff has a contract with Kendrick Equipment out of Vancouver, BC to fix the travel lift and they will be here November 13th to the 18th. The travel lift needs a new trunnion and brakes for the spool. We have also contracted with Trucano for their crane to lay down the travel lift as well as Tyler to bore out the race for the trunnion.

Mr. Ridgway asked if at some point we were going to bring the travel lift from Statter Harbor downtown?

Mr. Uchytel said Harri's Commercial Marine has not asked him for that but have asked Board members. We do have the 15 Ton Marine Travelift at Statter Harbor not being used. A formal request has not been made to staff.

Mr. Grant asked why are we fixing the UAS travel lift?

Mr. Uchytel said no one else will fix it.

Mr. Etheridge said he pushed to get this fixed. It is at the point that the Travelift is dangerous and if we are going to lease that property, we need a Travelift.

Mr. Ridgway said we lease property with a dock, travel lift, and crane. We need to fix it to support our patrons. Have we ever considered going to UAS and say we just spent \$38,000 on parts and \$12,000 on labor for the travel lift. Do we have anything in our agreement that we can deduct the repairs from our rent?

Mr. Uchtyl said no. This is similar to the cranes. We spend lots of money on crane repairs and get beat up by the public saying we don't maintain them.

Mr. Grant said he is not in favor of subsidizing Harri's Commercial Marine. This comes back to the same reason he wanted to walk away from leasing from UAS all together. It feels like we are in quicksand with that place.

Mr. Ridgway said it is hard to find a marina that is not subsidized. The Travelift and cranes come with the lease, but they do not maintain them. He does not believe anyone should be getting a great deal, but this is developed this way for a reason, and it will be a tricky thing to get out of.

Mr. Becker said he got on this Board originally to get a haul out facility for larger vessels. He has remained on this Board because he wants Juneau Marine Services to be operating and hauling boats. As he understands the situation, UAS does not want to move now until they find some place for their classes. Why can't we just buy the portion of the UAS property we need and UAS can still stay there?

Mr. Etheridge said UAS will not sell a portion of the property because they believe it is more valuable as one large piece.

Mr. Ridgway suggested bringing back to the next Operations meeting an update on the Travelift repairs.

Mr. Etheridge said he does not believe this needs to be brought back to the Operations meeting.

- Mr. Uchtyl said the cruise ship passenger numbers are 1.638M. The cruise ships are arriving at 101% capacity.
- He is working on Mitch Falk's Bayhouse properties condos issues regarding access. Mr. Falk had this at the Assembly meeting but because the meeting went too long, it was pulled. Mr. Uchtyl said Mr. Falk has some property that goes through the Statter Harbor parking lot. He has produced documents for an easement from the 1930's. It appears State DOT vacated that easement in 2010. He has a meeting with CBJ LAW to figure this out.
- Hansen and Gress should close on Monday or Tuesday with the purchase price of \$118,500.
- Harbor's admin supervisor Cierra Kendrick has resigned and will be leaving next Friday.
- Kenneth Davis our Harbors Security Officer has also resigned, and his last day is Friday as well.
- He reiterated the need for Board members to show up to all the meetings.

M. ASSEMBLY LIAISON REPORT

Ms. Ella Adkison said she has only attended one Assembly meeting and is looking forward to being Docks & Harbors liaison.

N. BOARD ADMINISTRATIVE MATTERS

- a. Operations Committee Meeting - Wednesday November 15th, 2023
- b. Board Meeting - Thursday November 30th, 2023

O. ADJOURNMENT – The meeting adjourned at 7:11pm

**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
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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
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~~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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~~via email 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.

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
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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



**Engineering & Public Works
Department**
Marine View Building, Juneau, AK 99801
907-586-0800

MEMORANDUM

DATE: October 20, 2023
TO: CBJ Boards and Commissions
FROM: Denise Koch, Engineering and Public Works Director
THROUGH: CBJ Public Works and Facilities Committee
SUBJECT: DRAFT FY2025 CBJ Legislative Capital Priority List: Feedback Needed by December 1st

The Engineering & Public Works Department is requesting your input on the draft fiscal year (FY) 2025 Legislative Capital Priority list by December 1, 2023.

Legislative Capital Priorities are not a direct funding request. It is a way to articulate larger or more complicated funding needs for major projects to the Legislature, the federal delegation, and the public. This list represents the CBJ Assembly large scale priorities for a given year.

All CBJ boards and commissions are being invited to provide input on their top two projects that they would like to see on the list. They can either provide input on existing projects and project priorities or nominate a new project(s). Input may also include recommendation for removal of an existing project from this list. The information that your board or commission provides will be used by the Assembly to amend and reprioritize the draft list for the next fiscal year.

Guidelines and recommendations for input:

- A prioritized list is only useful if there is the discipline to keep it manageable and relevant. Please keep that in mind when making your recommendations.
- Please limit your recommendations to nominating and/or endorsing your top two projects. This will make your input more actionable for the Assembly.
- If your body would like to propose a new project, please use the Legislative Priorities Project Nomination form available at <https://www.surveymonkey.com/r/BCQJ9RX>. A printable PDF version is available upon request by emailing Ashley.heimbigner@juneau.gov.
- To be eligible a project needs to provide a capital asset with a life of more than 20 years and have a total project cost of over \$1 million (review the appendix of the draft list, 'Everything you wanted to know about the CBJ Legislative Capital Priorities' for more information).
- Comments, endorsements, and recommendations for removal of existing projects listed in the DRAFT provided should be addressed to the Assembly and are due to ashley.heimbigner@juneau.gov no later than December 1, 2023.

See the schedule below for more information. Thank you for your time and participation in this important planning process.

City and Borough of Juneau
FY2025 LEGISLATIVE CAPITAL PRIORITIES DEVELOPMENT SCHEDULE

ACTION	FY25 DRAFT TIMEFRAME
Prepare and distribute draft LCP to CBJ Board, Commissions & advisory groups request for review and input.	October 20, 2023
Input for new draft requested by	December 1, 2023
Presentations to Boards and Commissions:	
	Planning Commission Introduction Oct 24, 2023; Final Approval Nov 14 or Dec 12, 23
	Systemic Racism Review Committee (SRRC) Introduction: October 24, 2023
Administrative Review & Compilation	December 4-7, 2023
SRRC 2nd Review (with input and new projects)	December 12, 2023
PWFC for Review	December 18, 2023
Homework: Assembly Ranks Priorities	Due December 29, 2023
Finance Committee	January 2024
Assembly Review (Leg Breakfast + COW)	January 2024
CAPIS Deadline	Late Jan/Early Feb 2024
Distribute Priorities	February 2024

FY2025

LEGISLATIVE

CAPITAL PRIORITIES





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January 30, 2024

To The Honorable State and Federal Delegation:

This document presents the City and Borough of Juneau’s Fiscal Year 2025 Legislative Priority List. The Legislative priority list provides information on long range capital projects identified as priorities for the community of Juneau. Descriptions of projects include cost and schedule information, a designation of who will be responsible for operating and maintaining the infrastructure, and what goals the project is advancing.

The projects included in the Legislative Priority List were compiled with input from CBJ Boards and Commissions and City staff. The Legislative Priorities will be used to inform requests to State Legislature, Federal Delegation and granting agencies.

It is the intent of the City and Borough of Juneau to update the Legislative Priority List annually to ensure the long-range capital improvement planning stays current, as well as to determine annual legislative priorities and assist with budget development. Please don’t hesitate to reach out with any questions.

Sincerely,

Katie Koester
City Manager

City and Borough of Juneau
FY2025 LEGISLATIVE CAPITAL PRIORITIES DEVELOPMENT SCHEDULE

ACTION	FY25 DRAFT TIMEFRAME
Prepare and distribute draft LCP to CBJ Board, Commissions & advisory groups request for review and input.	October 20, 2023
Input for new draft requested by	December 1, 2023
Presentations to Boards and Commissions:	
	Planning Commission Introduction Oct 24, 2023; Final Approval Nov 14 or Dec 12, 2023
	Systemic Racism Review Committee (SRRC) Introduction: October 24, 2023
Administrative Review & Compilation	December 4-7, 2023
SRRC 2nd Review (with input and new projects)	December 12, 2023
PWFC for Review	December 18, 2023
Homework: Assembly Ranks Priorities	Due December 29, 2023
Finance Committee	January 2024
Assembly Review (Leg Breakfast + COW)	January 2024
CAPIS Deadline	Late Jan/Early Feb 2024
Distribute Priorities	February 2024

DRAFT FY2025 Legislative Capital Priority List (To be ranked by Assembly)

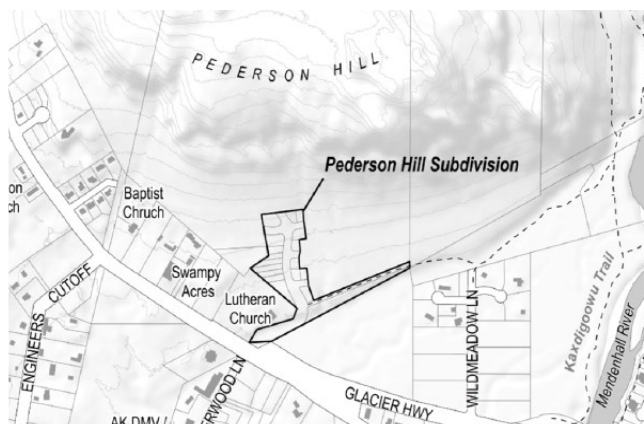
Rank	Project Name:	Purpose:	Amount Requested:	Goal:	Page #
	Pederson Hill Development	Development	\$3M	Increase workforce and market rate housing with further development of Pederson Hill Subdivision.	8
	Juneau Douglas North Crossing (JDNC)	Economic Impact Analysis and/or PEL Study	\$18M (prev. \$12M)	Economic Development	9
	North State Office Building Parking	Partial Funding	\$30M	State/legislative Parking, Auke District infill Development	10
	Telephone Hill Redevelopment	Site work	\$2M	Prepare for Redevelopment	11
	CBJ Radio System Replacement	Procurement, Design, Site Construction/Improvements, Installation	\$12M (prev. \$14M)	Provide adequate and sustainable radio communications for CBJ public safety agencies and response partners to communicate effectively during routine events and disasters locally, regionally and statewide.	12
	JSD Wide HVAC and Heating Control System Upgrades	Feasibility Study, Conceptual Design, Final Design, Engineering, Permitting	\$6.4M	This project will upgrade the HVAC and Heating Controls Systems for all schools in the City and Borough of Juneau, improving the facilities' energy efficiency, safety, and security.	13
	Mendenhall Wastewater Treat. Plant Compliance: Fats, Oil, and Grease & Grit Removal	Design, Construction	\$5.95M	Return the Mendenhall Wastewater Treatment Plant to permit compliance, reduce treatment costs, and extend the useful life of the plant.	14
	Lemon Creek Multimodal Path	Design, Permitting, Property	\$8M	Advance Long-term Goal of a New Non-Motorized Route	15

DRAFT FY2025 Legislative Capital Priority List (To be ranked by Assembly)

Rank	Project Name:	Purpose:	Amount Requested:	Goal:	Page #
	Capital Civic Center	Partial Funding	\$10M, SOA (prev. \$5M); \$35M Federal Delegation (prev. \$30M)	Support convention and visitor economy	16
	JSD Wide Security and Safety Upgrades	Procurement, Design, Construction, Installation	\$2M	The security and safety of our staff, students, and community is our main priority, and with this project upgrade, the District feels that it is taking the necessary steps to bring our facilities into the technology age.	17
	Municipal Composting Facility Design and Construction & <u>Zero Waste Planning</u>	Planning, Design, Site Preparation, Construction	\$4M (prev. \$2.5M)	Construct a municipal compost facility as part of a broader Zero Waste plan.	18
	Aurora Harbor Rebuild – Ph IV	Design, Permitting	\$1M	Replace critical infrastructure and support maritime economy	19
	Auke Bay New Breakwater	Match Potential Federal Funding	\$5M	Increase moorage and renovate old economic development	20
	Waterfront Juneau Douglas City Museum	Partial Funding	\$2M	FY24 Draft Legislative Priorities #16	21
	North Douglas Boat Ramp Expansion	Planning, research, permitting	\$250K	FY24 Draft Legislative Priorities #18; Proj. Nom. for Harbors #27	22

DRAFT FY2025 Legislative Capital Priority List (To be ranked by Assembly)

Rank	Project Name:	Purpose:	Amount Requested:	Goal:	Page #
	Off-Road Vehicle (ORV) Park Development	Feasibility Study, Conceptual Design, final Design/ Engineering/ Permitting, Fundraising Activity	\$5.7M	Reduce user conflicts and create new opportunities for outdoor recreation.	23
	West Douglas Extension	Future Development	\$4M	FY23 Draft Legislative Priorities #12	24
	Jackie Renninger Park Development & Pipeline Skatepark Improvements	Feasibility Study, Conceptual Design, Final Design, Engineering, Permitting, Fundraising Activity	\$4M	To provide access to parks and outdoor recreation services for Juneau's most underserved neighborhood.	25
	Bartlett Aurora Behavioral Health Center	Partial Funding	\$4M	This facility is constructed, BRH is requesting reimbursement.	26



PEDERSON HILL HOUSING DEVELOPMENT

AMOUNT REQUESTED: \$1M

AMOUNT SECURED: \$1.5M

TOTAL PROJECT COST: \$5M-\$15M

PROJECT DESCRIPTION & UPDATE:

The requested funding will provide for the study and design of a secondary access road to the Pederson Hill Subdivision. In the past year the Assembly agreed to work with the Tlingit Haida Regional Housing Authority (THRHA) to develop the remainder of Phase 1B and 1C. With that development underway any additional development will require a second access route for public safety and emergency response. This second access is an expensive requirement which needs to be funded before and future housing units can be planned on this CBJ property. This second access will make available up to 26 acres of CBJ owned property for development and disposal.

PUBLIC PROCESS:

There will be an opportunity for public comment to the Planning Commission during planning and to the Assembly during all phases of development.

TIMELINE: Once funding is secured, design can be complete within 18 months.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Increase workforce and market rate housing with further development of Pederson Hill Subdivision.



Photo Credit: Juneau Empire

JUNEAU DOUGLAS NORTH CROSSING (JDNC)

AMOUNT REQUESTED: \$2M

AMOUNT SECURED: \$2M for PEL; \$250,000 CBJ; \$7M Congressionally Directed Spending; \$16.454 USDOT RAISE Grant

TOTAL PROJECT COST: \$280M-\$320M (depending on alternative)

PROJECT DESCRIPTION & UPDATE: A second crossing from Juneau to Douglas Island has been a priority for the community since the early 80s. An alternate access to the heavily populated Douglas Island will increase safety; if the only bridge now were to fail residents would be stranded and emergency services would be limited. It will reduce transportation times and open up new land to development. Thanks to Senator Murkowski, CBJ received \$7M in Congressionally Directed Spending in FY23. This will build on the analysis and public outreach currently underway through the Planning and Environmental Linkages (PEL) study.

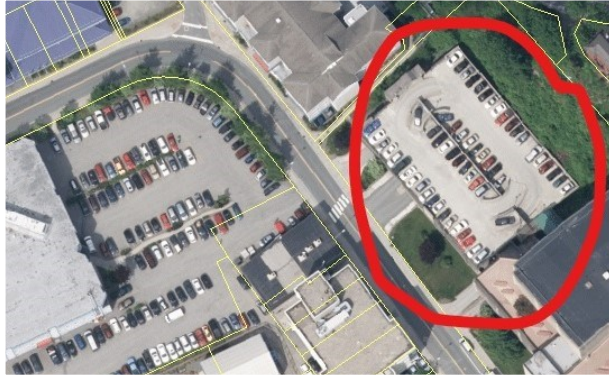
In another boon to the project, CBJ was awarded a 2023 USDOT RAISE grant which will provide funding through design. Prior to completing the 100% bid-ready design package, CBJ will solicit Federal Highway construction funding under the Infrastructure Investment and Jobs Act. CBJ applied for technical assistance funding to identify and pursue construction funding opportunities to bring the project to completion

PUBLIC PROCESS: Through the PEL process ADOT, with the help of DOWL Engineering, has engaged in multiple stakeholder and public meetings, surveys, and listening sessions to identify both public sentiment on the project and potential alternatives. Project status, alternatives, reports and stakeholder meeting updates are available at jdnorthcrossing.com. The NEPA process will include thorough public process as a preferred alternative is vetted.

TIMELINE: The PEL study is expected to be complete by spring of 2024. Building on the work of the PEL, NEPA should take 24 months. Design will take an additional 18-24 months.

WHO WILL MAINTAIN AND OPERATE? State of Alaska.

GOAL OF PROJECT: Community safety and economic development.



AAK'W VILLAGE DISTRICT PARKING

AMOUNT REQUESTED: \$30M

AMOUNT SECURED: \$5M SOA; \$5M CBJ Voter Approved Sales Tax

TOTAL PROJECT COST: \$40M

PROJECT DESCRIPTION:

Building a garage with greater capacity would expand parking for State employees, the Legislature, and the Aak'w Village District, freeing up current parking lots for development and infill. This parking garage provides parking for the State of Alaska, just North of the State Office Building. The current garage is old and in need of major repairs. This project could be seven stories, creating a total of over 450 parking spaces, with a total net increase of approximately 300 new parking spaces.

PUBLIC PROCESS: This project was designated as a CBJ Legislative Priority in 2021, 2022, and 2023.

TIMELINE: Architect has been selected and condition assessment and preliminary design is underway. Once full funding is secured, 24-36 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? TBD

GOAL OF PROJECT: State/Legislative parking, Aak'w Village District infill development.



TELEPHONE HILL REDEVELOPMENT

AMOUNT REQUESTED: \$2M

AMOUNT SECURED: \$450,000

TOTAL PROJECT COST: unknown (\$10M placeholder)

PROJECT DESCRIPTION:

This project will prepare the roughly 3 acres of CBJ owned property in Downtown Juneau which is adjacent to the State Office Building for redevelopment. This project will include removal of hazardous materials, and environment cleanup, potential demolition of existing structures, a redevelopment study, site preparation, utility and infrastructure upgrades, and re- subdivision. The outcome of this project will be independent buildable lots which are sized appropriately for redevelopment with infrastructure that can be utilized to maximize density and the property will be redeveloped to meet the goals of the Assembly and the state capital.

PUBLIC PROCESS:

In August and October 2023, the City held public meetings to encourage community dialog regarding this project. The CBJ Assembly will continue to provide the public opportunities to comment on this project. There will be opportunities for public comment to the Planning Commission during planning and to the Assembly during all phases of redevelopment. Project information is available at <https://juneau.org/engineering-public-works/telephone-hill>.

TIMELINE: An inventory of utilities, property and hazards is currently underway. A draft development plan will be publicly reviewed in the first quarter of 2024. Depending on the outcome of that plan a phased redevelopment approach could begin in 2024.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Redevelop over 3 acres of property in downtown Juneau for the best and highest use.



CBJ RADIO SYSTEM REPLACEMENT

AMOUNT REQUESTED: \$12,000,000

AMOUNT SECURED: \$500,000; \$2M CBJ Voter Approved Sales Tax

TOTAL PROJECT COST: \$17,200,000

PROJECT DESCRIPTION:

The CBJ has determined that the current radio system must be replaced due to equipment obsolescence, to enhance coverage and correct capacity shortfalls while conducting modernization as a means of securing enhanced network reliability, resiliency and interoperability. Project phases would include procurement, engineering/design, site construction/improvements (shelters, buildings, generators, towers, UPS, etc.), microwave improvements, procurement, and installation of radio site equipment (transmitters, receivers, antenna systems, etc.) and end user equipment (portable and mobile radios). Deficiencies with the current system impact multi-agency responses and have been documented during numerous police, fire and EMS events with partners such as the Airport, Public Works, Alaska State Troopers, FBI, Coast Guard and the Navy. A comprehensive upgrade is needed to enhance radio communications and increase interoperability with municipal, state, and federal partners. Senator Murkowski has added \$2M as Congressionally Directed Spending in the FY24 appropriations bill that is awaiting Congressional action.

TIMELINE: Once funding is secured, all work could be performed within 4 years.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Provide adequate and sustainable radio communications for CBJ public safety agencies and response partners to communicate effectively during routine events and disasters locally, regionally and statewide.



JUNEAU SCHOOL DISTRICT-WIDE HVAC AND HEATING CONTROL SYSTEM UPGRADES

AMOUNT REQUESTED: \$6.4M

TOTAL PROJECT COST: \$6.4M

PROJECT DESCRIPTION:

This ambitious project entails the comprehensive enhancement of HVAC and Heating Control Systems across all 13 schools within the City and Borough of Juneau. This initiative serves a dual purpose: firstly, it will significantly improve the early detection and notification of system issues and emergencies, thereby enhancing the district's responsiveness to outages and failures. Secondly, these system upgrades will provide the maintenance department with centralized access to control systems for all schools, streamlining system management and increasing efficiency. As a result, emergency response times will be markedly reduced, as issues can be identified swiftly. Importantly, this upgraded system is expected to yield substantial energy cost savings for the district, representing a win-win solution for both school facilities and the environment.

TIMELINE: Once funding is secured, design and construction complete within 28 months.

WHO WILL MAINTAIN AND OPERATE? Juneau School District

GOAL OF PROJECT: This project will upgrade the HVAC and Heating Controls Systems for all schools in the City and Borough of Juneau, improving the facilities' energy efficiency, safety, and security.



MENDENHALL WASTEWATER TREATMENT PLANT COMPLIANCE: FATS, OIL, AND GREASE & GRIT REMOVAL

AMOUNT REQUESTED: \$5.95M

TOTAL PROJECT COST: \$5.95M

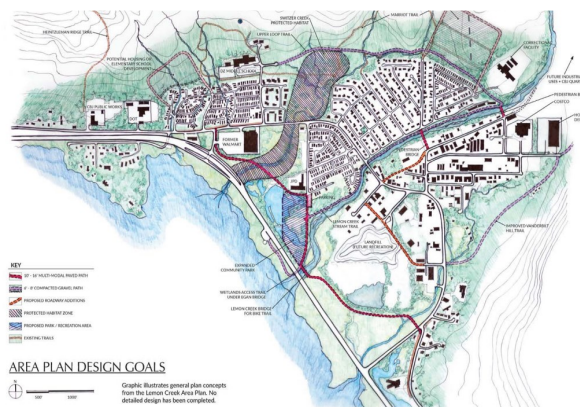
PROJECT DESCRIPTION:

Fats, Oils and Grease (FOG) requires special treatment, typically prior to the treatment basin. The foam from FOG degrades plant performance at the Mendenhall Treatment Plant. This project would install a grease collection vessel with a skimmer and vortex vessel to control incoming grease and finer grit. The Mendenhall Treatment Plant is currently operating under a Compliance Order by Consent with the State due to permit violations. Removing FOG before it disrupts the treatment process will assure more consistent plant performance. This project will design and construct the FOG and Grit removal equipment.

TIMELINE: Once funding is secured, design and construction within 30 months.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Permit compliance, reduce treatment costs, and extend the useful life of the plant.



LEMON CREEK MULTIMODAL PATH

AMOUNT REQUESTED: \$8M

AMOUNT SECURED: \$1.75M

TOTAL PROJECT COST: \$10M

PROJECT DESCRIPTION & UPDATE:

The requested funding would construct a multimodal path in Lemon Creek that connects residents to schools, shopping, jobs and services. CBJ is pursuing a DOT Reconnecting Communities grant for FY24 that will include robust public engagement, route selection and preliminary design, as well as a ADOT&PF Transportation Alternatives Program grant for the first phase of construction. The Assembly has appropriated 1.75M to advance design of the project as well as potential match for construction grant opportunities. The full route would connect the Glacier Highway / Vanderbilt intersection to Alaway Avenue and then on to Glacier Highway (near the old Walmart). This would provide direct access to the two largest mobile home parks in the community. CBJ also applied for FHWA FY23 Safe Streets for All (SS4A) supplemental planning funds for additional community planning and analysis of pedestrian, cyclist and motorist safety.

PUBLIC PROCESS:

This project has been identified as a priority by the 2017 Lemon Creek Plan adopted into the Comprehensive Plan. Designated as the number one Legislative Capital Priority in 2021 and 2022, and the 8th priority in 2023

TIMELINE: FY24 (ongoing) route analysis, public outreach, planning and preliminary design. Once full funding is secured, 18-24 months for design and construction.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Advance Long term goal of a new non- motorized route.



CAPITAL CIVIC CENTER

AMOUNT REQUESTED: Federal Delegation—\$35M; State of Alaska—\$10M

AMOUNT SECURED: CBJ- \$2M design; \$10M commitment from CLIA for CBJ Passenger Fees; \$5M CBJ appropriation requested; \$3M identified for Centennial Hall; \$6.5 Partnership Resources

TOTAL PROJECT COST: \$75M

PROJECT DESCRIPTION: This project will expand Juneau’s Centennial Hall by adding several meeting rooms, a theater, a community hall, a gallery and other public spaces. The old Juneau Armory would be removed. The Capital Civic Center will function as a multi-use civic and conference facility which will enhance Juneau’s prominence as a regional center for art, culture, and community engagement while attracting broad-based use and pride in Alaska’s Capital City.

PUBLIC PROCESS: Conceptual studies and outreach for Centennial Hall were performed in June of 2019 . Upgrades to the ballroom at Centennial Hall were completed in August 2023. The performing arts elements (new JACC) also received public input throughout the development of design for a stand alone facility. Merging the two facilities into a large, single, facility was presented to the Assembly by stakeholder organizations in 2020. The Assembly funded conceptual design in late 2021 appropriated \$2m to advance the project. NorthWind and JYW Architects teamed up for design and have worked with stakeholders to consolidate space and find design efficiencies.

TIMELINE: Once funding is secured, 3-3.5 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Support convention, arts and visitor economy.



JUNEAU SCHOOL DISTRICT-WIDE SECURITY AND SAFETY UPGRADES

AMOUNT REQUESTED: \$2M

TOTAL PROJECT COST: \$2M

PROJECT DESCRIPTION:

This project will upgrade security cameras, phone systems, secure entryways, brush clearing, perimeter lighting, emergency egress lighting, back-up generators, and secured property. This project will increase the Juneau School District's security presence, which will help to deter vandalism, theft, and other criminal activities. The security and safety of our staff, students, and community is our main priority, and with this project upgrade, the District feels that it is taking the necessary steps to bring our facilities into the technology age.

TIMELINE: Begin design within 3 months of available funding. 35% review (and 3% expenditure) 4 months from start; 65% review (and 5% expenditure) 9 months from start; construction begins 14 months from start (25% expenditure) construction completed 28 months from start (100% expenditure).

WHO WILL MAINTAIN AND OPERATE? JSD

GOAL OF PROJECT: Security and safety of district facilities.



Photo Credit: Oregon State University

MUNICIPAL COMPOSTING FACILITY DESIGN AND CONSTRUCTION

AMOUNT REQUESTED: \$4M

AMOUNT SECURED: \$2.5M Congressionally Directed Spending

TOTAL PROJECT COST: \$6.5M

PROJECT DESCRIPTION:

This project will design and construct a commercial-scale composting facility to serve Juneau residents, businesses and institutions. CBJ will have the capacity to accommodate large scale producers such as grocery stores, and large restaurants and institutions (e.g., Bartlett Regional Hospital, CBJ, Juneau School District and Lemon Creek Prison) getting this waste out of both the sewers and the landfill. It is CBJ's intention to own the facility, but contract out the operations. In 2023 applied for a composting and zero waste grant through the Environmental Protection Agency for phase two of the project.

TIMELINE: CBJ will issue a request for proposals for site development, planning and design in FY23. Once funding is secured, 2 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Divert waste from the local landfill as part of a broader Zero Waste initiative in order to extend the life of the landfill.



AURORA HARBOR REBUILD—PHASE IV

AMOUNT REQUESTED: \$1M

TOTAL PROJECT COST: \$11.5M

PROJECT DESCRIPTION:

Request for funding to continue the reconstruction of the Aurora Harbor Facility. Past work has been divided into segments. This request would continue preliminary design and begin permitting tasks.

PUBLIC PROCESS:

The project has been through a long term planning process with community outreach. It is the 4th phase of the larger reconstruction plans. Docks & Harbors has submitted a \$5M ADOT Harbor Facilities grant for FY25 Legislative consideration. If successful it will be locally matched with \$5M and nearly complete the rebuild of Aurora Harbor.

TIMELINE: Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Replace critical infrastructure and support maritime economy.



Photo Credit: Cathy Mahnke

AUKE BAY NEW BREAKWATER

AMOUNT REQUESTED: \$5M

TOTAL PROJECT COST: unknown (\$50M placeholder)

PROJECT DESCRIPTION:

The requested funding would allow for the preliminary planning and design phases, including permit acquisition. This opens the opportunity for the construction of a new breakwater at the end of the Statter Harbor. The current facility has reached it's useful life and needs to be replaced. The new facility would allow for more moorage and provide economic stimulus to the community. CBJ would be the local sponsor for the US Army Corps of Engineers, who is federally responsible for the feasibility analysis, design and construction of the breakwater. Local match is required under federal law and is available through Docks & Harbors. Senator Murkowski has added \$500K as CDS in the FY24 appropriation bill and is awaiting Congressional action.

PUBLIC PROCESS: Identified as a Legislative Priority for FY2023

TIMELINE: Once funding is secured, 3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Increase moorage and recapitalization of aging infrastructure.



WATERFRONT JUNEAU DOUGLAS CITY MUSEUM

AMOUNT REQUESTED: \$2M

AMOUNT SECURED: \$2M CBJ Voter Approved Sales Tax

TOTAL PROJECT COST: \$12M

PROJECT TYPE: Planning & Design

PROJECT DESCRIPTION:

This project will construct a new museum on the waterfront to house art and other local collections. The museum will leverage its waterfront location to become a destination for visitors and locals. It will also free up the current museum adjacent to the State Capitol for expansion of the Capitol campus.

PUBLIC PROCESS: Identified as Legislative Priority in FY2023

TIMELINE: Once funding is secured, 2-3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Grow the arts in Juneau and expand the Capitol campus.



NORTH DOUGLAS BOAT RAMP EXPANSION

AMOUNT REQUESTED: \$250,000

TOTAL PROJECT COST: \$20M

PROJECT DESCRIPTION:

Requested funding would accomplish the first steps to expanding the North Douglas Launch Ramp Facility. These include planning, research and permitting to initiate the project.

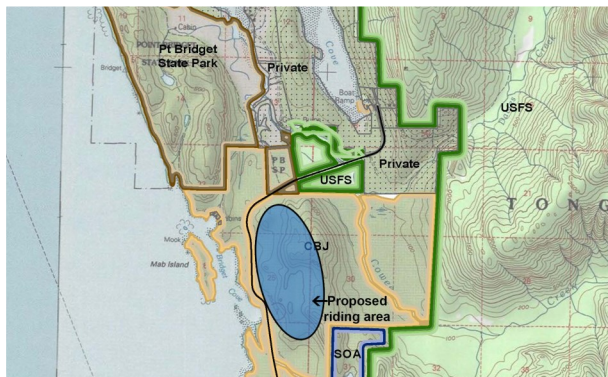
PUBLIC PROCESS: Docks and Harbors has solicited public input on the concept.

TIMELINE:

Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Improve safety and expand boating access & transportation.



OFF-ROAD VEHICLE (ORV) PARK DEVELOPMENT

AMOUNT REQUESTED: \$5.7M

AMOUNT SECURED: \$300,000

TOTAL PROJECT COST: \$6M

PROJECT DESCRIPTION & UPDATE:

This project will address longstanding and unmet demand for sustainable off-road vehicle (ORV) recreation. This project will help meet demand for ORV recreation, provide a venue for training opportunities, reduce damage to sensitive habitats elsewhere, and reduce user conflicts.

PUBLIC PROCESS: A multi-year public process has been completed and design, permitting, and development of the 35-Mile ORV Riding Park is underway. This process includes stakeholders such as the Juneau Off-Road Association (JORA), Trail Mix, Inc., conservation organizations, and citizen advisory boards.

TIMELINE: Once required permits and funding is secured, 3 year design and construction timeline. More detailed project information available at <https://juneau.org/parks-recreation/project-list/entry/81872>.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: To meet growing demand for off-road vehicle recreation, avoid user conflicts, reduce ongoing damage to sensitive resources and landscapes, and stimulate economic activity by creating new opportunities for outdoor recreation that do not currently exist in Juneau.



WEST DOUGLAS EXTENSION

AMOUNT REQUESTED: \$4M

TOTAL PROJECT COST: \$7.5M

PROJECT DESCRIPTION:

This project will continue construction of the gravel surface pioneer road from near the current end of the Douglas Highway to Hilda Point. The road will promote development, increase opportunities for recreational access to public lands, and enable closer access to new growth development areas that are identified in the CBJ Comprehensive Plan. Road access will assist land owners in their on-the-ground investigations required for formulating future development plans.

PUBLIC PROCESS:

West Douglas Roadway corridor alignment has been approved by Assembly and Planning Commission. This project has been identified as priority 'New Growth Area' by CBJ Comprehensive Plan and West Douglas Conceptual Plan.

TIMELINE: Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Support long-term development.



JACKIE RENNINGER PARK DEVELOPMENT & PIPELINE SKATE PARK IMPROVEMENTS

AMOUNT REQUESTED: \$4M

TOTAL PROJECT COST: \$4,075,000

AMOUNT SECURED: \$75,000

PROJECT DESCRIPTION:

This project will implement the master plan for Jackie Renninger Memorial Park, providing much needed access to outdoor recreation and open space for Juneau’s most underserved neighborhoods. This 4.6-acre parcel is home to the Pipeline Skate Park and a small public restroom. This project would ensure the surrounding neighborhood has convenient and safe access to a playground.

PUBLIC PROCESS:

In 2022 the Assembly appropriated funding to develop a master plan for Jackie Renninger Park which will be completed by the end of 2023. This process will result in a conceptual design that will be fully developed in a subsequent design phase.

TIMELINE: Once funding is secured, within 2 years of start date

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: To provide access to parks and outdoor recreation services for Juneau’s most underserved neighborhood.



BARTLETT AURORA BEHAVIORAL HEALTH CENTER

AMOUNT REQUESTED: \$4M

TOTAL PROJECT COST: \$17.75M

PROJECT DESCRIPTION:

The requested funding would partially mitigate construction inflation and associated costs Bartlett is absorbing for the project. The Center will provide much needed outpatient psychiatric service, crisis and community intervention and applied behavior analysis. In addition, it will house a new service to the community, crisis observation and stabilization with a total of 7 beds. The crisis center will be used by people in need across Southeast Alaska, and potentially statewide. The Aurora Behavioral Health Center will provide service based on the Crisis Now model which uses community based options to address long-term services for individuals who may be experiencing a behavioral health crisis in conjunction with other medical conditions complicating care.

PUBLIC PROCESS:

This project was identified as a priority in the master plan for the Bartlett Campus and been through many public meetings as it has made its way through planning, design and construction.

TIMELINE: Construction is scheduled to be complete in October of 2023.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: The Behavioral Health Center will provide patients from Juneau and other Alaskan communities with expanded opportunities to receive mental health care closer to home in a modern fit-for-purpose facility.

APPENDIX

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE CBJ LEGISLATIVE CAPITAL PRIORITIES LIST

by Katie Koester, Engineering and Public Works Director

Q: What are the Legislative Capital Priorities?

A: The CBJ Legislative Capital Priorities (LCP) is a document that lays out community priorities for capital projects, including a project description, rationale for why it's needed (benefits to the community), description of progress to date (money raised, plans drawn up, etc.), and estimated total cost. For CBJ projects, additional information is provided on the timeline for completion. Facilities that have alternative funding streams are not included on this list: for example, the Airport, or projects that can be funded through Passenger Fees. See graphic on the following page for a diagram of how the different plans and lists relate to each other.

NOTE: Inclusion on the Legislative Capital Priorities is not a funding request. From CBJ's standpoint, it is a mechanism to prioritize projects and raise awareness of a needed project to increase chances of funding from various sources. Nominating a project for inclusion in the LCP should not be thought of as a request for municipal funding.

Q: Are the "legislative priorities" the same as the Capital Improvement Plan?

A: No, they are a prioritized list of projects that are pulled from various CBJ plans, including the Comprehensive Plan, Area Plans, and the Six-year Capital Improvement Plan. The Legislative Priorities are "short list" of projects on which CBJ will focus particular attention during the upcoming legislative session and with the federal delegation. (The goal is to get at least partial funding for a project included in the state capital budget or federal earmark.)

CBJ's "short list" of Legislative Priorities should have a limited number of projects on it. An attempt is made to phase projects so that funding requests range in size depending on available funds and objective. For the State Legislature, project descriptions are inputted into an online system lawmakers use to prioritize funding requests (CAPSIS). These are due in February.

Federal priorities are also solicited by the delegation through an online platform. The Assembly will designate projects that have a nexus with federal funding opportunities for submission to the delegation through the Legislative Priority process.

Q: What is a capital project?

A: A capital project is a major, non-recurring budget item that results in a fixed asset (like a building, road, parcel of land, or major piece of equipment) with a useful life of 20-50 years. Designing and building a new library is a capital project. Planning and implementing an after-school reading program is not a capital project. Most of the projects in the LCP are CBJ projects, but some are community projects spearheaded by a non-profit organization or state or federal agency (e.g., Alaska DOT). To be included on the LCP projects must have an estimated total project cost of at least \$1,000,000.

Q: Is the Legislative Capital Priorities list just "wish list," and if so, what's the point of writing up a "wish list"?

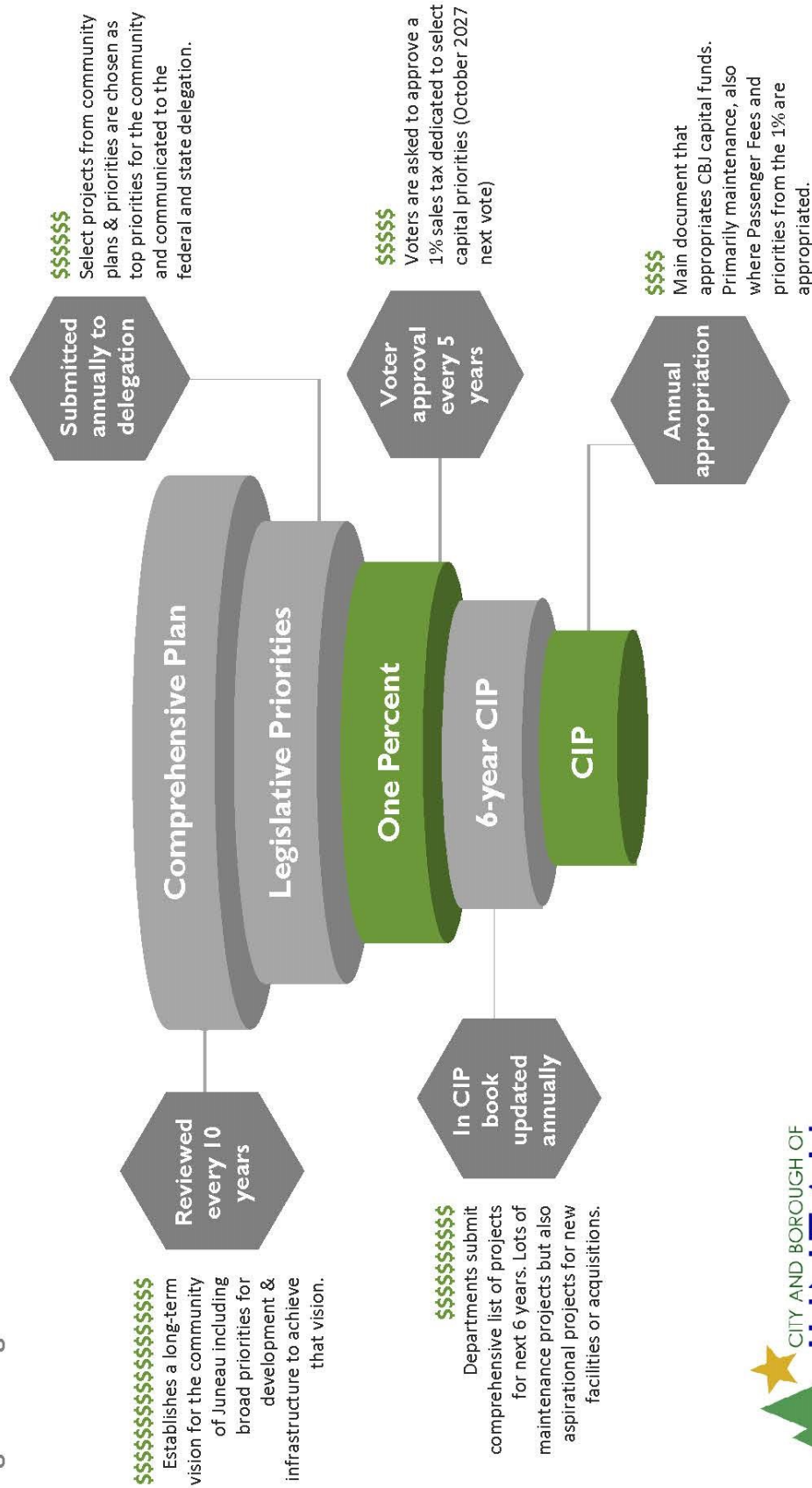
A: The Legislative Priorities list does include projects that are aspirational, and as such may have items that are so large or expensive, that it is hard to imagine completion in the near future. However, articulating these priorities helps guide the Assembly and the community through small steps that lead up to the larger goal and advocate towards a common goal. It will take time and discipline to keep the list an accurate and living document.

There are several reasons to include longer term projects on the Legislative Priority List, even when it seems like little progress is being made in accomplishing projects: 1) It helps focus attention on community needs. 2) It helps groups raise money for projects if the sponsor can say that the project has been identified as a community priority in the CIP. 3) Typically the more priority a municipality places on a project, the greater the chances it for a legislative appropriation.

APPENDIX

CBJ Lists, Plans and Priorities

How do the many CBJ lists of projects, plans and priorities relate to each other? This diagram shows how each document informs the one below it. The dollar signs represents the general volume of funds needed, but only the green rings are lists that come with the commitment of actual dollars.





Port of Juneau

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

From: Port Director
To: Assembly
Thru: (1) Docks & Harbor Board
 (2) City Manager
Date: November 30th, 2023
Re: FY2023 Review - Docks & Harbors Operations

1. In accordance with 85.02.045, *Docks and Harbors Board shall, no later than November 30th each year, provide the assembly with a written review of docks and harbors department operations during the preceding fiscal year. The review shall include fee schedules, revenues by source, operating expenditures, customers served, and any recommended amendments to the Downtown Waterfront Development Plan.* The Docks & Harbors Board reviewed this letter at its November 30th meeting.
2. The FY23 end of year financial report each Enterprise is operating with positive cash flow. As of FY22 end, the Docks Enterprise running a \$130,200 deficit.

End of FY22	Harbor Enterprise	Docks Enterprise
Revenue	\$4,911,500	\$1,642,500
Expenditure	\$3,988,600	\$1,772,700
Debt Service	\$665,900	none
FY23 Net	\$914,936.24	\$716,985.24
CIP Transfer	\$750,000	none
Fund Balance ^{1, 2}	\$1,998,736.24	\$1,687,800

Graphic representation of historic Port Enterprise and Harbor Enterprise budgetary information is provided in enclosure (1). As a reference point, Docks & Harbors manages nearly \$400M in capital assets throughout its infrastructure portfolio.

The CY23 cruise ship season was a record year with 1,646,862 passengers arriving to Juneau. This was a 29% increase over the prior year.

¹ Does not include \$791,271 of Bond Reserve

² Fund Balances as of 11/15/2022 are estimates and have not been finalized by Finance Department

Cruise ship passenger counts

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Large Cruise Ships ³	940,447	944,239	965,731	992,092	1,046,587	1,118,897	1,273,741	0	114,114	1,167,194	1,638,902
Small Cruise Ships	5,459	10,216	11,426	8,727	8,658	9,729	10,112	36	7,263	8,549	7,960
Total	945,906	954,455	977,157	1,000,819	1,055,245	1,128,626	1,283,857	36	121,377	1,175,743	1,646,862

3. The fee schedule, as required under 85.02.045 for FY24, is attached as enclosure (2). After Docks & Harbors held outreach patron meetings and the requisite public hearing, the Assembly approved amendments to twenty-six regulations relating to fees on November 6th, 2023. Each of these fees will be increased 9% effective January 2024, with the exception of small boat harbor moorage which will be phased-in 3%, 3% and 2.8% over consecutive new calendar years.
4. Docks & Harbors has been engaged in several capital improvement projects in FY23.
 - a. Statter Harbor Phase III (For Hire Commercial Float and associated uplands). A contract was awarded to Dawson Construction for \$1.5M to construct restrooms (men/women/family) and covered shelter in the Statter Harbor bus staging area which was completed in June. The men and women bathrooms will be secured for the winter but the family bathroom will remain open year-round.
 - b. Marine Park Deckover. CBJ Engineering completed the design efforts and then transferred the bidding/construction management to Docks & Harbors for execution. In April, this \$2.5M project was successfully completed by Trucano Construction on time and on budget.
 - c. Aurora Phase III. After securing a \$2M matching ADOT Municipal Harbor Grant in 2022, Docks & Harbors awarded a \$4.25M contract to Trucano Construction in April. Construction of “H Float” for sixty-foot vessel slips and transient moorage will be completed by June 2024.
 - d. Aurora Phase IV. The 2022 1% Sales Tax Initiative has provided Docks & Harbors with \$5M available in local matching funds to compete for the current year ADOT Harbor Grant funding. If the grant funding is approved by the Legislature and Governor, Aurora IV could be awarded in fall 2024.
 - e. Docks & Harbors continues to work closely with AELP to advance Assembly goals to electrify the CBJ owned cruise ship docks. As a prerequisite to , AELP has received the authority to proceed with purchasing the necessary infrastructure to upgrade the load tap changer transformer to the Franklin Dock Substation. A status update to the Assembly was provided in an August 31st memo.
5. In May 2023, Docks & Harbors submitted a FY23 MARAD (US Maritime Administration) Port Infrastructure Development Program (PIDP) grant for \$11.25M to construct an Aurora Harbor drive down float similar to the one at the Auke Bay Loading Facility (ABLF). Local match was not required for this grant application; however, the Docks & Harbors Board committed \$500K to supplement our submission. Though the application was strong, we were notified in October that we were unsuccessful.
6. CBJ tideland property, managed by Docks & Harbors, was sold to Hansen-Gress with a closing date of October 31st for \$118,500. This 4,177 sf parcel was leased to the building owner (formerly Juneau Electronics). The sale was required to allow Hansen-Gress to complete an exterior renovation project.
7. In June, CBJ completed negotiations with UAS/UA Lands Director to secure the leased waterfront property from UAS between Harris and Aurora Harbors, commonly referred as Juneau Fisheries Terminal. The new lease rent for the 2.8 acre property is \$100,000 annually. The appraised fair market value for this lease property would be \$230K annually. In consideration for the lower lease rent, CBJ agreed to provide

³ Revenue producing cruise ship passenger data only which is less than the total passenger embarkation

educational benefits including services provided by Docks & Harbors, Parks & Recreation, Transit and Eaglecrest.

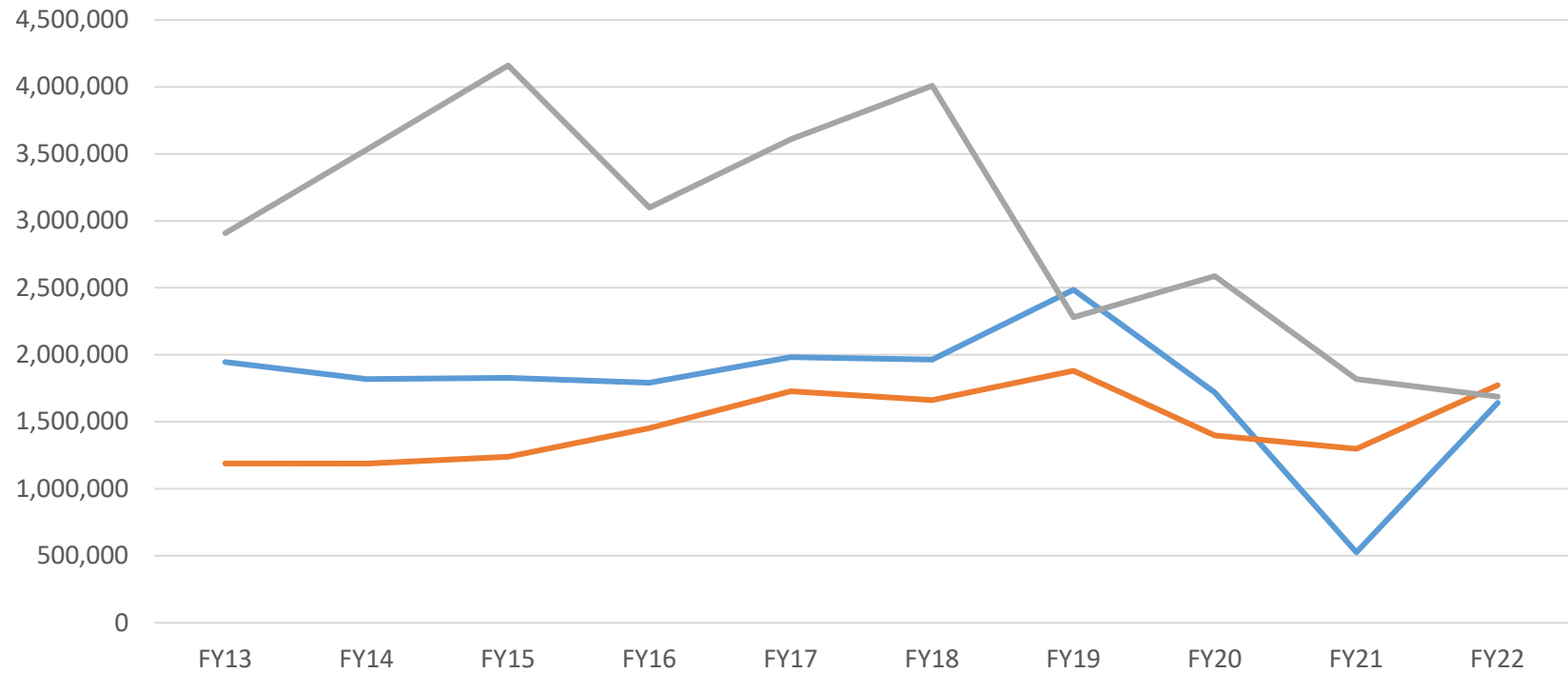
8. Although not required under code, Docks & Harbors has completed installation of self-rescue ladders at each of its four harbors. At the request of harbor patrons, Docks & Harbors will be installing a security gate into Harris Harbor and adding security parking lot lights at Douglas Harbor.
9. Docks & Harbors is most appreciative of support from the Assembly, especially support for the 9% rate increase. The Assembly's commitment will enable Docks & Harbors to continue to prosper with needed infrastructure improvements as well as keeping future rate increases to a modest level.

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Encl:

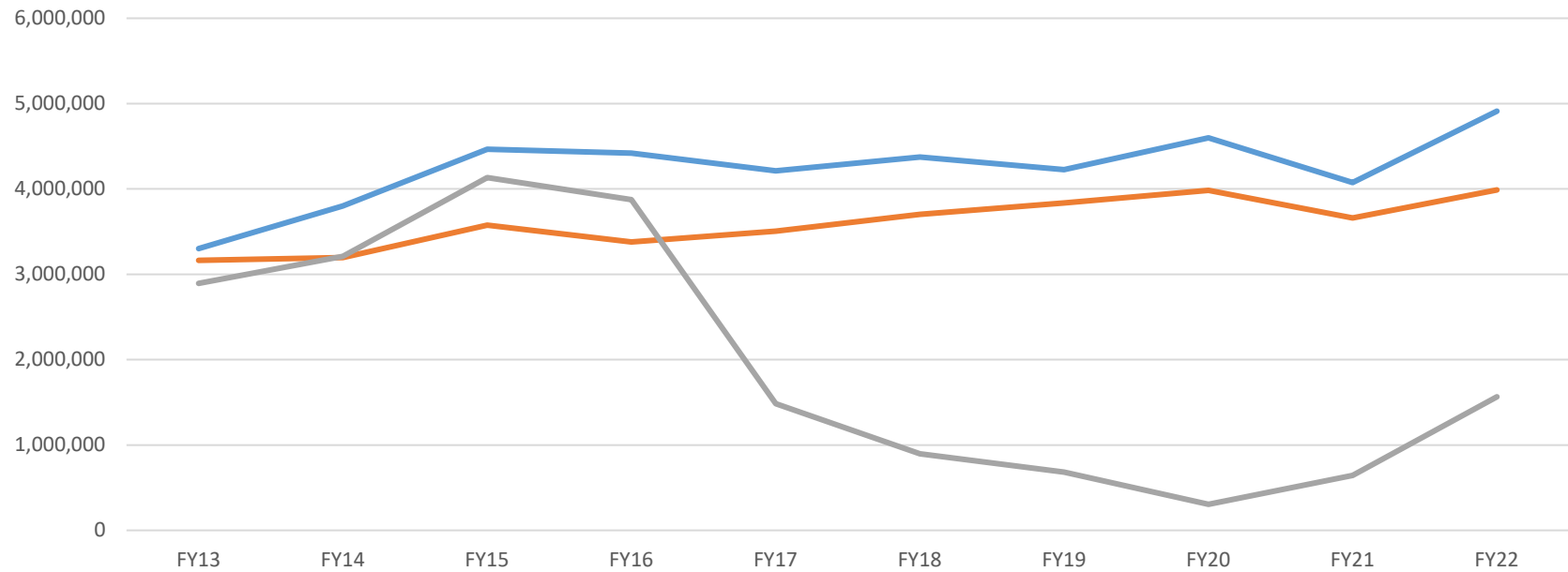
- (1) Budgetary Graphs (Docks Enterprise & Harbors Enterprise)
- (2) FY2023 & FY2024 Fee Schedule

Docks Overview



	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Docks Actual Revenue	1,946,900	1,820,000	1,828,400	1,792,800	1,983,100	1,964,484	2,485,900	1,718,800	526,000	1,642,500
Docks Actual Expense	1,189,800	1,188,500	1,238,600	1,454,100	1,727,600	1,663,167	1,881,100	1,399,100	1,297,800	1,772,700
Docks Fund Balance	2,907,240	3,531,061	4,159,525	3,098,254	3,609,037	4,009,076	2,279,623	2,586,600	1,818,000	1,687,800

Harbor Overview



	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Harbors Actual Revenue	3,301,200	3,800,400	4,466,300	4,418,400	4,213,000	4,374,735	4,227,700	4,597,600	4,076,700	4,911,500
Harbors Actual Expense	3,163,500	3,195,000	3,574,700	3,380,634	3,507,112	3,702,155	3,834,900	3,983,100	3,661,100	3,988,600
Harbors Fund Balance	2,893,416	3,210,757	4,133,190	3,874,843	1,485,483	895,149	682,000	305,000	642,500	1,565,400



DOCKS & HARBORS
 155 S. Seward St.
 Juneau, AK 99801
 (907) 586-5255 tel
 (907) 586-2507 fax
www.juneau.org/harbors

Section I, Item 5.

FY24 Moorage Rates

DOUGLAS, HARRIS AND AURORA HARBORS		
	Effective thru June 30, 2023	Effective July 1, 2023
Skiff	\$314.70 per calendar year	\$340.19 per calendar year
Daily	61¢ per foot	66¢ per foot
Calendar Month	\$4.60 per foot	\$4.97 per foot
Bi-Annual (July 1 – Dec 31) & (Jan 1 – June 30) Annual (July 1 – June 30)	5% discount on 6-month advance payment 10% discount on 12-month advanced payment	5% discount on 6-month advance payment 10% discount on 12-month advance payment
Intermediate Vessel Float and Port Field Office Float		
Daily (Oct 1 – Apr. 30)	61¢ per foot	66¢ per foot
Monthly (Oct 1 – Apr. 30)	\$4.60 per foot	\$4.97 per foot

STATTER HARBOR		
	Effective thru June 30, 2023	Effective July 1, 2023
Skiff	\$314.70 per calendar year	\$340.19 per calendar year
Daily	61¢ per foot	66¢ per foot
Calendar Month	\$7.66 per foot	\$8.28 per foot
Bi-Annual (July 1 – Dec 31) & (Jan 1 – June 30) Annual (July 1 – June 30)	5% discount on 6-month advance payment 10% discount on 12-month advanced payment	5% discount on 6-month advance payment 10% discount on 12-month advance payment

INTERMEDIATE VESSEL FLOAT (IVF)/STATTER HARBOR BREAKWATER RESERVATIONS		
	Effective thru March 31, 2023	Effective April 1, 2023
Reservations (May 1 – Sept 30)	Fishing Vessels \$1.50	\$1.62 per foot per day
	Other Vessels <65' \$3.00	\$3.24 per foot per day
	Other Vessels ≥ 65' \$5.00	\$5.40 per foot per day
	Other Vessels ≥200' \$3.00	\$3.24 per foot per day

Residence Surcharge

Effective July 1, 2023

Per Month	\$78.24 +\$26.08/person above four persons	
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- A 5% City & Borough of Juneau sales tax may apply to all fees
 - Rates subject to be adjusted by CPI annually

Launch Ramp Rates

Section I, Item 5.

Effective July 1, 2023

Recreational – Calendar Year (includes Kayaks) Matching registrations are required to obtain two additional permits. Please see 05 CBJAC 20.060 – Recreational Boat Launch Fees.	\$102.06 \$5 per additional permit
Recreational – Day	\$17.00
Commercial – Calendar Year	\$283.49 per trailer
Commercial – Day	\$34.02
Freight Use – Commercial	Up to 1 hour \$60 Over 1 hour \$30 for each additional hour

Parking Rates

Douglas, Harris, Aurora Harbors	Free w/ permit (permits available at Aurora Harbor office, current vehicle registration required)
Statter Harbor – Summer (May, June, July, August, September)	\$1 per hour/\$5 per calendar day
Statter Harbor – Winter (October through April)	Free w/permit (permits available at Statter Harbor office, current vehicle registration required)
Downtown Taku Lot - Summer	\$2 per hour/3 hour limit

Shorepower

Connection Type	Daily Fee
20 amp (120V, 1 phase)	\$6.80
30 amp (120V, 1 phase)	\$10.20
50 amp (208V, 1 phase)	\$28.35
100 amp (208V, 3 phase)	\$97.52
100 amp (480V, 3 phase)	\$224.52

Connection Type	Summer Liveaboard Monthly	Summer Non-Liveaboard Monthly
20 and 30 amp	\$102.06	\$61.24
50 amp	\$204.11	\$122.47
100 amp/208 volt	\$476.27	\$285.76

Connection Type	Winter Liveaboard Monthly	Winter Non-Liveaboard Monthly
20 amp	\$136.08	\$81.65
30 amp	\$183.38	\$108.86
50 amp	\$340.19	\$204.11
100 amp/208 volt	\$816.46	\$476.27

Services Provided

Power

Potable water (Year round downtown and Statter A&B Floats)
Restrooms (Aurora Harbor, Harris Harbor & Statter Harbor)
Showers (Harris Harbor & Statter Harbor)
Free Sewage pump-out (Aurora, Douglas, Harris, and Statter)
Sewage pump-out cart available at Aurora Harbor & Douglas Harbor
Harris Harbor Grid (Fee: \$1.14 per foot per day)
Please make Grid reservation at Aurora Harbor Office



DOCKS & HARBORS

Section I, Item 5.

155 Heritage Way
Juneau, AK 99801
(907) 586-5255 tel
(907) 586-2507 fax
www.juneau.org/harbors

FY24 Moorage Rates

DOUGLAS, HARRIS AND AURORA HARBORS		
	Effective thru December 31, 2023	Effective January 1, 2024
Skiff	\$340.19 per calendar year	\$370.81 per calendar year
Daily	66¢ per foot	.72¢ per foot
Calendar Month	\$4.97 per foot	\$5.12 per foot
Bi-Annual (July 1 – Dec 31) & (Jan 1 – June 30) Annual (July 1 – June 30)	5% discount on 6-month advance payment 10% discount on 12-month advanced payment	5% discount on 6-month advance payment 10% discount on 12-month advance payment
Intermediate Vessel Float and Port Field Office Float		
Daily (Oct 1 – Apr. 30)	66¢ per foot	.72¢ per foot
Monthly (Oct 1 – Apr. 30)	\$4.97 per foot	\$5.25 per foot

STATTER HARBOR		
	Effective thru December 31, 2023	Effective January 1, 2024
Skiff	\$340.19 per calendar year	\$370.81 per calendar year
Daily	66¢ per foot	.72¢ per foot
Calendar Month	\$8.28 per foot	\$8.53 per foot
Bi-Annual (July 1 – Dec 31) & (Jan 1 – June 30) Annual (July 1 – June 30)	5% discount on 6-month advance payment 10% discount on 12-month advanced payment	5% discount on 6-month advance payment 10% discount on 12-month advance payment

INTERMEDIATE VESSEL FLOAT (IVF)/STATTER HARBOR BREAKWATER RESERVATIONS		
	Effective thru December 31, 2023	Effective January 1, 2024
Reservations (May 1 – Sept 30)	Fishing Vessels \$1.62	\$1.77 per foot per day
	Other Vessels <65' \$3.24	\$3.53 per foot per day
	Other Vessels ≥ 65' \$5.40	\$5.89 per foot per day
	Other Vessels ≥200' \$3.24	\$3.53 per foot per day

Residence Surcharge

Effective January 1, 2024

Per Month	\$85.28 + \$28.43/person above four persons	
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- A 5% City & Borough of Juneau sales tax may apply to all fees
 - Rates subject to be adjusted by CPI annually

Launch Ramp Rates

Section I, Item 5.

Effective January 1, 2024

Recreational – Calendar Year (includes Kayaks) Matching registrations are required to obtain two additional permits. Please see 05 CBJAC 20.060 – Recreational Boat Launch Fees.	\$111.25 \$5 per additional permit
Recreational – Day	\$18.53
Commercial – Calendar Year	\$309.00 per trailer
Commercial – Day	\$37.08
Freight Use – Commercial	Up to 1 hour \$60 Over 1 hour \$30 for each additional hour

Parking Rates

Douglas, Harris, Aurora Harbors	Free w/ permit (permits available at Aurora Harbor office, current vehicle registration required)
Statter Harbor – Summer (May, June, July, August, September)	\$1 per hour/\$5 per calendar day
Statter Harbor – Winter (October through April)	Free w/permit (permits available at Statter Harbor office, current vehicle registration required)
Downtown Taku Lot - Summer	\$2 per hour/3 hour limit

Shorepower

Connection Type	Daily Fee
20 amp (120V, 1 phase)	\$7.41
30 amp (120V, 1 phase)	\$11.29
50 amp (208V, 1 phase)	\$30.90
100 amp (208V, 3 phase)	\$106.30
100 amp (480V, 3 phase)	\$244.73

Connection Type	Summer Liveaboard Monthly	Summer Non-Liveaboard Monthly
20 and 30 amp	\$112.25	\$66.75
50 amp	\$244.73	\$133.49
100 amp/208 volt	\$519.13	\$311.48
100 amp/480 volt	\$1,223.67	\$726.78

Connection Type	Winter Liveaboard Monthly	Winter Non-Liveaboard Monthly
20 amp	\$148.33	\$89.00
30 amp	\$199.88	\$118.66
50 amp	\$370.81	\$222.48
100 amp/208 volt	\$889.94	\$519.13
100 amp/480 volt	\$2,076.53	\$1,201.42

Services Provided

Power

Potable water (Year round downtown and Statter A&B Floats)
Restrooms (Aurora Harbor, Harris Harbor & Statter Harbor)
Showers (Harris Harbor & Statter Harbor)
Free Sewage pump-out (Aurora, Douglas, Harris, and Statter)
Sewage pump-out cart available at Aurora Harbor & Douglas Harbor
Harris Harbor Grid (Fee: \$1.24 per foot per day)
Please make Grid reservation at Aurora Harbor Office

FY 2024 CIP PROJECTS

Priority	Project	Funding Source	Amount	Description	Sustainability Element
Docks & Harbors					
1	Aurora Harbor Rebuild Phase III	Temp 1% Voter Approved Sales Tax 10/1/18-09/30/23	\$ 1,500,000	Funding to continue rehabilitation of Aurora Harbor - these funds will be used to match ADOT harbor funds to replace the floats at the west end of Aurora Harbor	Project calls for replacing existing infrastructure
2	Taku Harbor Maintenance Repairs	Temp 1% Voter Approved Sales Tax 10/1/23-09-30-28	\$ 750,000	Replaces existing approach float. This funding is matching funds for the Dingell-Johnson Sport Fish Grant, which can pay for up to 75% of the project	Project calls for replacing existing infrastructure
3	Wayside Park Dredging	Temp 1% Voter Approved Sales Tax 10/1/23-09-30-28	\$ 750,000	Maintenance Dredging under community fishing float near DIPAC	Project is to maintain existing infrastructure through maintenance dredging
4	Aurora Harbor Office Replacement	Temp 1% Voter Approved Sales Tax 10/1/23-09-30-28	\$ 900,000	Recapitalization of existing harbor office	Existing facility was a converted garage and is well past useful life
5	Cost Share w/ ACOE - Statter Harbor Breakwater Feasibility Study	Unscheduled	\$ 500,000	Recapitalization of existing harbor office	Existing facility is well past useful life
D & H Total Funding			\$ 4,400,000		
Lands & Resources					
1	Pits and Quarries Management, Infrastructure Maintenance and Expansion	Lands Fund	\$ 700,000	Provide for routine maintenance, improvements and expansion at CBJ rock and gravel material sources (Stablers Quarry, Lemon Creek gravel pits).	Developing a Zero Waste Subdivision will enable Juneau to sustainably handle it's waste through recycling and composting. The Zero Waste Concept is a priority of JCOS and has been integrated into the Assembly's 2023 goals (Goal 5A).
2	Zero Waste Subdivision Plan	Lands Fund	\$ 50,000	The South Lemon Creek Gravel Pit (behind Costco) needs to be closed out and could be utilized for the future site for zero waste programs. These fund will be utilized to begin closing out the extraction permits	
3	Auke Bay Property Development and Disposal	Lands Fund	\$ 450,000	The City owns a large tract of property in Auke Bay which currently does not have ROW access or utilities. These funds will be utilized to determine the best locations for development	
Lands & Resources Total Funding			\$ 1,200,000		

SIX-YEAR DEPARTMENT IMPROVEMENT PLANS							
Division	Priority	FY24	FY25	FY26	FY27	FY28	Future
Docks & Harbors							
Taku Harbor Maintenance Repairs	1	\$ 1,500,000					
Wayside Park Dredging	2	\$ 750,000					
Cruise Ship Dock Safety Railing (Docks Enterprise)	3	\$ 1,200,000					
Aurora Harbor Office Replacement	4	\$ 1,500,000					
Cost Share w/ACOE - Statter Breakwater Feasibility Study	5	\$ 500,000					
Procurement of two LTC Transformers (CT/AS Docks)	6	\$ 5,000,000					
Shore Power at Cruise Ship Berth (Docks Enterprise)	7		\$ 20,000,000				
NOAA Dock Acquisition (Docks Enterprise)	8		\$ 3,000,000				
Auke Bay Seawalk/Baywalk		\$ 10,000,000					\$ 30,000,000
Aurora Harbor Rebuild - Phase IV	9		\$ 7,000,000				
Deck Over People's Wharf/USS JUNEAU Memorial (Docks)	10		\$ 4,500,000				
Small Cruise Ship Infrastructure (Docks Enterprise)	11			\$ 30,000,000			
North Douglas Boat Ramp Expansion	12			\$ 5,000,000			\$ 20,000,000
Statter Harbor Passenger for Hire Phase IIID - Paving	13			\$ 3,300,000			
Douglas Harbor Uplands Improvements & Bathrooms	14			\$ 5,000,000			
Juneau Fisheries Terminal	15						\$ 25,000,000
Downtown Lightering Float Replacement	16						\$ 650,000
Statter Harbor Shop/Garage/Storage Facility	17						\$ 1,500,000
Aurora Harbor Dredging - Tug Slips	18						\$ 350,000
Auke Bay Net Repair Float	19						\$ 500,000
Auke Bay Non-Motorized Coastal Transportation Link	20						\$ 12,500,000
Fish Sales Facility - Harris Harbor	21						\$ 1,000,000
Auke Bay Breakwater	22						\$ 50,000,000
Docks & Harbor Total		\$ 20,450,000	\$ 34,500,000	\$ 43,300,000	\$ -	\$ -	\$ 141,500,000



ASSEMBLY WORKSESSION-ANNUAL RETREAT AGENDA

December 02, 2023 at 8:30 AM

JNU Airport Alaska Room

This annual Assembly Worksession will be an in-person meeting only being held from 8:30a.m. - 4:30p.m. at the Juneau International Airport Alaska Room. There will not be Zoom webinar offered and no public testimony will be taken during this event.

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

D. APPROVAL OF AGENDA

E. AGENDA TOPICS

1. 8:30am-10:00am - Introduction/Goals of the Retreat/Team Building/Visioning
2. 10:00am-12:00pm - Housing Discussion
3. 12:00-12:30pm - Lunch Break
4. 12:30-2:00pm - Budget Discussion
5. 2:00pm-3:00pm - Tourism discussion
6. 3:00-4:30pm - Assembly Goals

F. SUPPLEMENTAL MATERIALS

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.



MEMORANDUM

Date: November 29, 2023

To: Borough Assembly

From: Alexandra Pierce, Tourism Manager

Re: Background for Assembly Retreat

At the November 6 COW, the Assembly expressed an interest in understanding CBJ's options around further limiting the number of cruise passengers visiting Juneau. This memo is intended to provide the Assembly with background data pertaining to implementing further limitations on cruise tourism with a goal of managing daily impacts on Juneau residents. At the retreat, I will provide additional context around the information presented herein, the City Attorney will provide further detail on our legal options. There are two legal opinions on cruise limits attached to this memo. I have also included links to Visitor Industry Task Force (VITF) report and other relevant documents to help frame the dialogue.

Daily Cruise Passenger Numbers

When we discuss tourism impacts, we tend to focus on our high-volume days and how they impact residents. The below two charts show our busiest days by lower berth capacity and our median days by lower berth capacity. Note that we did not hit our capacity in 2022 because the ships were not sailing full. To inform the discussion around a reasonable number of passengers per day, I have provided this information to show how visitor numbers shift as the five-ship limit comes into effect and have also provided a chart showing the projected lower berth numbers for April and October. As part of the dialogue around our daily impacts and capacity, CBJ should articulate an official position on whether we consider the early and late ships to be problematic for the community.

Busiest Days by Capacity – 2019-2025							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
2019	12718	11398	17033	11538	10674	7420	6404
2022	12282	12854	20237	14502	12532	11072	9834
2023	12712	14242	19952	14502	12532	11572	10856
2024	9820	13680	17830	13442	13490	11122	9622
2025	12259	14292	17044	13824	12050	13214	8934

Median Days by Capacity – 2019-2025							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
2019	9448	10132	14834	8008	8090	5153	4526
2022	9344	11697	15618	11420	8080	8948	6605
2023	9730	11160	15930	10790	9232	8490	8224
2024	8093	12125	14658	11214	10408	9315	6560
2025	8648	11210	15140	11163	10232	9740	6266

April and October Ships				
Year	2022	2023	2024	2025
First day	Apr 25	Apr 17	Apr 9	Apr 9
Last day	Oct 18	Oct 25	Oct 24	Oct 21
Total off season pax	50527	52230	115274	79277

Hot Berthing

There is some confusion in the public discourse about the five-ship limit and hot berthing. The limit does not prevent a private company from continuing that practice at a private facility that is also owned by the company that produces the ship schedule. Cruise Line Agencies of Alaska (CLAA) and Norwegian Cruise Line are continuing to hot berth per their long-term berthing agreement, and CLAA is simply not scheduling a ship at anchor on Tuesdays to adhere to the five-ship limit. Both parties are fully aware of the community's sentiment towards this practice. As the Assembly considers further limits, it is important to consider whether to explicitly restrict hot berthing.

Negotiated Agreements

Negotiated agreements are flexible by nature and there are several options for further negotiated limits, including a daily passenger limit, a ship size limit, and/or certain "ship free days". In preliminary discussions about future negotiated agreements, the cruise lines and CLIAA are conceptually agreeable to the daily limit concept. There are several other ports in the world with negotiated agreements to limit cruise tourism. Some of these agreements set daily limits. For example, the Port of Palma, Spain sets a daily limit of 8,500 lower berth capacity and only allows one ship per day with over 5,000 lower berth capacity. The Mediterranean does not share Alaska's geographic and dock size constraints and hosts much larger ships. The Palma agreement provides two interesting options for limiting visitation – a daily limit and a ship size limit. It also sets berthing priority based on criteria that are important to the port, including using shore power when available. These are the types of negotiated options that CBJ could consider moving forward.

Our two existing MOAs are critical to implementing the strategy set forth by the VITF. Further negotiated agreements would refine that work while also establishing a basis for evaluating our infrastructure needs and for decision making around an additional private dock. I suggest that the

Assembly consider what types of negotiated solutions the body prefers while also understanding the scope of CBJ's legal options as presented by the City Attorney.

Current Shore Excursion Opportunities

There has been much discussion around Juneau's shore excursion capacity and the need for more opportunities. The below table shows the upper capacities of the major available and planned activities in Juneau. Note that this is not comprehensive and several of the numbers are estimates. Also note that some people do multiple activities in a day or within the same excursion, for example, a whale watching tour with a stop at the Mendenhall Glacier Recreation Area (MGRA) Visitor's Center, or a city tour that visits CBJ parks and the MGRA. There are also numerous smaller capacity activities that are not reflected in this chart. However, as we consider visitor infrastructure in the context of limits and capacity, it's important to understand the major activities that are currently available and those coming online for 2026.

Shore Excursion	Regulator	Current Capacity	Future Capacity	Completion Date	Notes
Eaglecrest Gondola	Eaglecrest/Goldbelt	0	~500/day	2026	
MGRA Improvements	USFS	~530K/season ~3500/day	30% increase per phase ~4550/day – Phase 1	Phase 1 - 2026	Three phases planned, only phase 1 funded. MGRA-based activities (rafting, hiking) are included.
CBJ park and trail-based tours	CBJ	1401	1401	n/a	Capacity may change with CRUS, assumes USFS permitted tours included in MGRA total
Helicopter tours	USFS	570	685	n/a	Limited by USFS EIS
Whale Watch	N/A	2898/day in 2019	3000/day	n/a	Increase based on more boats for 2024
Mt. Roberts Tram	N/A	7000/day	7000/day	n/a	
Total Daily Capacity		15369	16636		

As the Assembly considers community goals for tourism impacts related to shore excursions, it is important to consider the regional context. The Port Communities of Alaska are furthering their efforts to organize, and it is important to remember that limits in Juneau affect the entire region and that evaluating our capacity and negotiating with the industry is an ongoing process to be continually refined as circumstances change.

Attachments:

Law Memo to VITF

Corso Memo on Cruise Ship Limits

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DATE: January 21, 2020
TO: Chair Triem, Visitor Industry Task Force
FROM: Robert Palmer, Municipal Attorney
SUBJECT: Preliminary Legal Issues with Managing Tourism

I have been asked to provide preliminary legal guidance for managing tourism from cruise ships. This topic can be legally complicated. I am not aware of any definitive legal authority that would be helpful at this stage because the overarching policy visions need to mature. At this stage, the VITF should focus on the desired policy visions and how to achieve those policy visions, while having awareness of some potential legal sideboards. The following legal issues may arise depending on what policy and regulation, if any, the CBJ ultimately wants to impose.

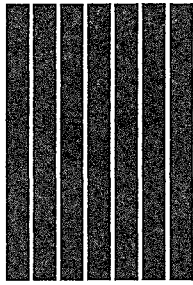
1. **U.S. Constitutional Right to Travel.** The Privileges and Immunities Clause limits laws that treat out-of-state citizens differently than in-state citizens. For example, there is a right to travel from one state to another and to use the instruments of interstate commerce, which includes “the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second state.” *Saenz v. Roe*, 526 U.S. 489, 500 (1999).
2. **U.S. Constitution Commerce Clause.** Generally, laws that unduly burden interstate commerce are unconstitutional, which require courts to balance interests.
3. **U.S. Constitution Tonnage Clause.** See the recently settled *CLIAA v. CBJ* litigation. The Tonnage Clause limits fees imposed on vessels for entering a port and how those fees can be expended.
4. **U.S. Constitution Contract Clause.** The Contract Clause can limit laws that unreasonably and substantially impair existing contractual rights.
5. **Takings/Inverse Condemnation.** Private property shall not be taken or damaged for public use, without just compensation.
6. **Public Trust Doctrine.** The doctrine protects navigation on, commerce in, fishing on, and access to navigable water, but the rights protected are not absolute.
7. **Level of scrutiny.** All regulations must at least satisfy rational basis scrutiny (i.e. is the regulation rationally related to any governmental interest). Some regulations may need to satisfy a heightened scrutiny, which could require the CBJ to prove the regulation is

narrowly tailored to promote a compelling governmental interest and the regulation is the least restrictive means to vindicate that interest.

8. **Interference/Preemption of Aviation and Maritime Matters.** The federal government has primary jurisdiction of aviation (FAA) and maritime (USCG) matters. The FAA's jurisdiction is almost exclusive, and local governments have limited authority to regulate aviation matters. The CBJ has broader authority to regulate maritime matters especially if the local regulation does not conflict with a federal law.
9. **16B Revenue Bond limitations.** The 2015 revenue bonds include provisions that prohibit the CBJ from reducing the \$3 Port Development Fee or undertaking actions that put the debt service payments in jeopardy. The bonds are scheduled to be paid off in 2034, but the CBJ can prepay the bonds as early as March 1, 2026.
10. **CBJ as property owner versus CBJ as regulator.** The CBJ has broad authority to manage its property (i.e. CBJ docks, tidelands, trails). When the CBJ acts as a regulator of non-CBJ property (i.e. private docks, State tidelands), the CBJ has substantial authority but it is subject to a variety of other laws (i.e. Takings, Interference/Preemption). For example, the CBJ regulates commercial buses (CBJC 20.40) and land use/development (CBJC Title 49).

As the Visitor Industry Task Force and the Assembly consider the preliminary legal sideboards, the following policies may be worthy of further discussion:

- A. **Voluntary Action.** The recent cruise ship litigation settlement requires an annual consultation. As community concerns arise, the cruise ship companies may be willing to voluntarily adjust their practices, which would eliminate a substantial amount of legal risks then if the CBJ simply imposes regulations.
- B. **Prepay the 16B Revenue Bonds.** The CBJ could consider satisfying the debt service from the 16B revenue bonds at the earliest opportunity (\$12.8M on March 1, 2026), which would give the CBJ more discretion regarding how the CBJ docks are used.
- C. **Articulate Specific Governmental Interests.** Because of the potential constitutional rights implicated with restricting the number of cruise ship passengers, the CBJ could consider developing, measuring, and tracking indicators of tourism to establish specific governmental interests. Such indicators would be helpful to justify and defend any cruise ship or passenger restrictions or carrying capacities.
- D. **Proprietary Control of Docks.** The CBJ currently owns two of the four cruise ship docks. If the CBJ wants to have more control of when and how long ships are in port, the CBJ could consider purchasing the two private docks and having ownership control of any new docks.
- E. **Infrastructure and Geographical Limitations.** The size of ships, the location of docks, and the geographical features of Gastineau Channel can indirectly limit cruise ship tourism. Further consultation with the USCG could result in a regulatory scheme that prohibits "anchoring out" if a new dock was constructed, which would indirectly cap cruise ships.



CBJ Law Department MEMORANDUM

To: Mayor and Assembly
From: John R. Corso, City & Borough Attorney
Subject: Cap on Tourism
Date: August 9, 1996

I. Introduction

You have asked whether the city and borough may lawfully impose a "cap on tourists". If a cap on tourists is enacted into CBJ law it will, like any other governmental policy enacted into law, have a purpose and a method for advancing that purpose. If a court is called upon to review the law, it will examine both of these elements. It will determine whether the purpose is legitimate and the method is reasonable.

At this point it is difficult to determine what a court might do with a "cap on tourists" because the term has no settled meaning. One person might think that the purpose of a cap is to limit all tourists; another might think that the purpose is to limit only cruise ship tourists; to a third it might mean a limit on tourists who use local trails and other recreational facilities. Some people might believe that the best method of accomplishing their purpose is a direct limit expressed as the maximum number of tourists allowed in town in one year, others might prefer to arrive at their goal through indirect limitations imposed on ships, buses, and other parts of the tourism infrastructure.

I can identify some of the purposes that a cap might have, and some of the methods it might use. I can suggest the purposes and methods that are clearly illegal, and provide an analytical framework for considering the legal consequences of other programs that might be developed. However, lawyers should not initiate policy. If the city and borough is to limit or manage the local tourism industry, the purpose and method for doing so should be decided first by policy makers.

Part III of this memo discusses the different purposes that a cap on tourists might have. Part IV suggests some of the methods that might be used to accomplish these purposes. Part V identifies the legal theories that could be applied to these issues.¹

II. Short Answer

The short answer to your inquiry is that the U.S. Constitution prohibits the city and borough from directly limiting the number of tourists who enter our jurisdiction. The last time anything like that was attempted was during the Great Depression when the State of California attempted to limit the number of indigent immigrants arriving from Midwest dustbowl states. The Supreme Court struck

¹ My thanks to Assistant City & Borough Attorney Jonathan Sperber for his help in researching the legal issues discussed in this memo.

down the California law on the grounds that it violated the commerce clause of the Constitution and infringed on the basic right of U.S. citizens to travel throughout their country.² It would do the same if CBJ attempted to impose a direct numerical cap on tourists or any other group of Americans.

It may be possible to limit tourism through the use of regulatory mechanisms aimed at particular impacts of tourism.

III. Possible Purposes of a Cap on Tourists

A. Examples

Is your mother a tourist? If she comes to Juneau just to see her grandchildren, maybe not. But what if she wants to see the glacier, too? Suppose she is accompanied by a traveling companion: is the companion a tourist? They tell you that they don't want to impose on you, so they will stay at a hotel: are they tourists? If their real reason for staying at the hotel is the quilting convention that's held there: does that make a difference? If one of the grandsons lives in Hoonah and comes to Juneau for the visit, is he a tourist?

While in Seattle you meet someone who might be interested in investing in your business. She accepts your invitation to come to Juneau and inspect your business. She will bring her husband and make it a "working vacation". She doesn't like airplanes and the ferry is full, so they will arrive on a cruise ship. He likes to fish, she likes to hike. You might be able to take him on your boat and her on the trail, but business comes first, so you arrange a charter and a guided hike as backup. Is he a tourist? Is she? Does it make a difference that she is fascinated with your business and spends the entire visit pouring over your books?

A retired couple books passage on a cruise ship. They like the food and the view from deck, but they have trouble getting around and have no intention of debarking in Juneau. He enjoys the voyage through the Inside Passage, but he brought the wrong shoes, and his feet begin to hurt. By the time they arrive in Juneau his feet are really bothering him, so he decides to come ashore long enough to buy the shoes he needs. Is he a tourist? Does it make a difference if his new shoes feel so good he decides to walk around town before returning to the ship?

B. Types of Issues

The foregoing examples are the kinds of problems that law professors love to inflict on their students, but these "hypotheticals" are not entirely academic: judges are fond of posing them from the bench. And sometimes real life serves them up, too.³ They illustrate the need to clearly articulate the purpose of any cap on tourists. If the purpose is unclear, it is difficult or impossible to justify the reasonableness of the method used to accomplish the purpose.

² See page 6 of this memo.

³ The August 8 edition of the *Juneau Empire* reported that former Governor and Mrs. Jay Hammond would be traveling to Juneau on a Princess Lines ship for a book promotion tour. Are they tourists? Does it make a difference that they are traveling only intrastate between ports in Southeast?

1. Is our purpose to limit tourists? A subjective approach.

A tourist, according to the dictionary, is “one who travels for pleasure”. This definition is probably too broad for purposes of the present discussion. It would encompass people who travel for the pleasure of seeing their relatives and people who travel for the pleasure of attending a hobbyist convention. Maybe CBJ policy should be most concerned with people who travel for the pleasure of traveling. These are “sightseers”: the kind of tourists who have no real “business” to do.

This is a subjective approach to defining tourism and it suffers from the usual disadvantages of subjective measurement: it requires a judgement of somebody else’s intent. In the first example above, you thought your mother was coming to see you, but perhaps she was really interested in the quilting convention or a view of the glacier: should her real intention affect her status as a tourist?

2. Is our purpose to limit tourism activities? An objective approach.

Perhaps the policy could avoid some analytical difficulties if it defined tourists not by their intent, but by their actions: how they arrive, how long they stay, and what they do while they are here. People who arrive on cruise ships, who stroll on sidewalks, walk on trails, gather on beaches, paddle on lakes, leave within x days, and so on. These criteria have the advantage of objectivity, but they invite line-drawing problems. In the third example above, the man who came debarked from a cruise ship to buy some shoes for walking — slowly, no doubt — along a downtown sidewalk, but was he really a tourist?

Some kinds of activities are easy to categorize. An elderly couple who arrive on a cruise ship, shop at a gift store, go up a mountain on a tram, then go back to the ship are probably tourists. Other activities are more problematic. An adventure writer who arrives on the ferry, shops at the Nugget, rappels down a mountain on a rope, then goes to dinner at a restaurant, may not be a tourist.

These kinds of line-drawing and definitional problems are not very common, and can be addressed, at least initially, by good legislative drafting. However, technical solutions invite technical challenges. Inventive tour operators and their lawyers might be tempted to create tourism opportunities designed to avoid application of the tourism activities cap. This invites amendment of the tourism ordinance, further maneuvering by the industry, and yet more amendments in an endless process.

3. Is our purpose to manage tourism impacts? An analytic approach.

Perhaps it is not the tourists as such, but their impacts on the quality of life in Juneau that concerns us. Some of these impacts, such as crowds on sidewalks or a lack of seating in Marine Park, result from the physical presence of a particular number of tourists at a particular time. Other impacts, such as diesel smoke and airplane noise, vary directly but not one-to-one with the number of tourists. (Larger or quieter vehicles might accommodate more tourists but produce fewer impacts: at least for a while.)

Some impacts, such as groups of hikers or kayakers, are more or less objectionable according to time of day or location. Other impacts, such as the growth of low-skill seasonal service sector employment, may be benign or even positive, depending on who they affect.

If the purpose of the policy is to manage tourism impacts, a wide variety of management tools are available. These tools will be each more finely tuned and more legally defensible than the sledgehammer solution of a cap on the raw number of tourists.

IV. Possible Methods of Capping Tourism

The policy approach selected by the Assembly will dictate the method of regulation used to implement it. A variety of methods are possible.

A. Direct Limits on the Number of Tourists

It is difficult to hypothesize a practical method of directly limiting the number of tourists entering the city and borough. Presumably the Assembly would annually establish an upper limit expressed as a number. Perhaps this quota would limit the allowable number of tourists per year, per month, or during the tourist season.

Governments usually enforce these kinds of policies with passports, checkpoints, and border guards. But these are the tools of sovereign nations. The concept of CBJ visas and border guards is comical, but helps illustrate the basic interests at stake in any attempt to limit access by outsiders.

Another way to impose direct limitations might be to cap the number of tourists who could disembark from a tour ship after it had arrived in town. This might require posting CBJ agents at gangways, where they could count the number of passengers disembarking and returning to the ship. If this becomes unmanageable, the cruise ships could be issued a limited number of shore passes or medallions to be worn in a prominent manner by tourists while they are ashore. This approach would probably attract some sort of publicity for the Capital City.

B. Direct Limits on the Number of Tourist Vehicles

A more reasonable approach might be to limit the number of tourists by limiting the number, size, or schedule of vehicles and vessels that bring tourists to town. A rough limit is imposed by Juneau's lack of road access and the carrying capacity of its harbors and airport. A limit short of that capacity might be imposed in the form of docking or landing permits. These techniques would be of dubious utility for some forms of transportation: efforts to limit the number of landings at the airport might violate the terms of federal airport grants or federal statutes regarding airport accessibility⁴ and efforts to limit state ferries would be preempted by state law.

A program to limit cruise ship traffic could be more defensible: CBJ might be able to limit the number of cruise ships per day allowed in the harbor, or it might limit the hours for cruise ship operations. The City of Key West, Florida, has done this. We have spoken with Mr. Chuck Hamlin, Assistant Transportation Planner for Key West, who reports that his city has adopted a regulation imposing a limit of three cruise ships per day within the city limits. This regulation has never been enforced. Key West also has a regulation limiting the hours that cruise ships may use the city-operated Mallory Dock. The dock is reserved for the use of vendors, street performers, and the public during sunset. This regulation is enforced, but has never been challenged.

The port dues collected by CBJ pursuant to CBJ 85.02.105 would be a complicating factor in any attempt by CBJ to limit cruise ship use of municipal docks. The dues have been collected from cruise

⁴ See, e.g., 49 U.S.C.A. §47107

lines for the express purpose of maintaining port facilities⁵ and the cruise industry can be expected to object to any limitation on its ability to amortize this investment through passenger revenues.

Experience with dockside vending regulations suggests that any system for limiting ship visits would involve some form of lottery, auction, brokerage, or other system designed to address priorities and conflicts among tour ship companies. This could generate revenue, but would entail some administrative overhead.

C. Techniques for Managing Tourism Impacts

The techniques available for managing tourism impacts are as varied as the impacts themselves, and beyond the scope of this memo. They involve the issuance and revocation of permits, concessions, leases, and regulations. These tools address the number and type of tourists, tourist vehicles, and tourist businesses allowed to use public and private space in the city and borough. They would address hours, litter, noise, damage, fees, rates of return, and similar concepts. They could, if properly done, be rationally related to a legitimate government purpose.

V. Legal Theories Applicable to a Cap on Tourists

Most of the tourists subject to the cap would be traveling from other states or other countries. The primary legal authority applicable to state and local regulation of interstate and foreign travel is the United States Constitution. The Constitution is in large measure the result of need to regulate travel and commerce between the states. Prior to the Declaration of Independence, the British Board of Trade supervised commercial transactions between the colonies. After the signing of the Declaration of Independence, there was no central control over commercial transactions in the new states. The new states were fearful of having their trade subjected to discriminatory restriction either by states with conflicting commercial interests, or by a central government that could be controlled by such interests. Accordingly, when they formed a national government under the Articles of Confederation, they granted the Continental Congress some powers over national affairs, but none over commerce between the states. They even limited Congressional power over foreign affairs by providing that no federal treaties might limit the individual states' powers over commerce and the taxation of imports and exports.

The result was economic chaos. When trade with Britain declined, the states responded by protecting their positions in the newly limited marketplace. Individual states, especially port states like New York, set up trade barriers by imposing economic sanctions against the products of other states and by taxing trade passing through their territory. The target states retaliated with taxes so high as to foreclose access to their markets. The situation deteriorated to a state of economic warfare, and national leaders feared a dissolution of the union. They called for convention to amend the powers of the national government so that it could deal with multi-state commercial problems. A convention was held, but it soon became clear that more than a few amendments would be needed. There was a call for a new convention which we now know as the Constitutional Convention. This convention

⁵ CBJ 85.02.105(c): In changing the base rate, the factors to be considered shall be the amount of revenue necessary to: retire outstanding bonded indebtedness for port facilities; perform scheduled port facility improvements, major maintenance, and land acquisition; and maintain a fund balance in the port development and major maintenance fund sufficient to offset reasonable fluctuations in annual cruise ship visits without an additional change to the base rate, and reflecting changes in port usage.

began in May of 1787 and had as one of its principal achievements the creation of a national government authorized to regulate “commerce among the states”.⁶

Interstate commerce is one element in the concept of federalism; the central organizing principal of American government. For present purposes, this principal finds expression in four constitutional doctrines: the right to travel, the equal protection clause, the commerce clause, and the privileges and immunities clause.⁷ These constitutional provisions are the ones most likely to be used to test the legality of a cap on tourism. I cannot predict the various combinations of purposes and methods that would be tested, but whatever the mix, the following constitutional principles would be applied.

A. The Right to Travel

The concept of a constitutional right to travel is well established in American law. Although its origins are obscure — there is no express mention of a right to travel in the Constitution — it is often cited.⁸ Justice Potter Stewart observed that “[t]he constitutional right to travel from one state to another... occupies a position fundamental to the concept of our federal union... [A] right so elementary was conceived from the beginning to be a necessary concomitant of the stronger Union the new Constitution created.”⁹ The right to travel is recognized as a personal right.¹⁰

This right was clearly affirmed in two cases involving direct limitations on travel: *Crandall v. Nevada*¹¹ and *Edwards v. California*¹². In *Crandall*, Nevada attempted to impose a tax of one dollar on every person leaving the state by paid transportation. The Court struck down the tax, declaring “[w]e are all citizens of the United States, and as members of the same community must have the right to pass and repass through every part of it without interruption.” The *Edwards* case concerned a California law enacted to stop waves of immigrants from the dustbowl states during the Great Depression. Like some versions of the proposed cap on tourism, the law was a direct limit on entry into the state, forbidding “anyone knowingly to bring or assist in bringing into the state a nonresident ‘indigent person’”. The Court was unanimous in its decision to strike down this law, but split on the rationale for doing so: five justices relied on the interstate commerce clause, but four relied on the inherent right of Americans to travel throughout their country.

⁶ Nowak, Rotunda, and Young, *Constitutional Law*, West Publishing (1978)

⁷ To the extent that Juneau attracts tourists from other countries, a policy limiting their access might run afoul of the exclusive federal jurisdiction over foreign affairs and immigration. *Mathews v. Diaz*, 426 U.S. 67, 81-82, 48 L.Ed.2d 478, 490-91, 96 S.Ct. 1883 (1976) (“For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.”).

⁸ *Shapiro v. Thompson*, 394 U.S. 618, 630, 22 L.Ed.2d 600, 612, 89 S.Ct. 1322 (1969) (“We have no occasion to ascribe the source of this right to travel interstate to a particular constitutional provision.”).

⁹ *United States v. Guest*, 383 U.S. 745, 757-58 (1966)

¹⁰ *Williams v. Fears*, 179 U.S. 270, 274, 45 L.Ed. 186, 21 S.Ct. 128 (1900) (“Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any state is a right secured by the 14th Amendment and by other provisions of the Constitution.”).

¹¹ 73 U.S. 35 (1868)

¹² 314 U.S. 160 (1941)

This right to travel is not absolute: state and local governments may prevent a citizen from leaving if he is a fugitive from justice, carrying a contagious disease, or subject to criminal arrest. Likewise, a citizen may be prevented from traveling into an area if she would be endangered by flood, fire, or pestilence.¹³

B. The Equal Protection Clause

Both the federal and state constitutions require that citizens enjoy the equal protection of the laws: that persons similarly situated be treated the same. Courts require that if the government draws distinctions between groups of people and then treats them differently based on that distinction, that it have some rationale basis for doing so. If a state distinguishes between residents and nonresidents, courts will apply a "strict scrutiny" test requiring that the policy serve some compelling government interest and be narrowly drawn to effectuate that purpose. The requirement that the policy be narrowly drawn is best served by tourism regulations aimed at particular impacts rather than broad classes of persons.

Some equal protection cases dealing with residency, such as the famous *Zobel* case,¹⁴ which tested the residency requirements of the Alaska Permanent Fund Dividend, involve durational residency. In these cases the government discriminates among residents based on how long they have resided in the state. A different set of standards is used for these cases. They would probably not be involved in a tourism program, unless CBJ proposed to regulate resident seasonal tourism workers.

C. The Interstate Commerce Clause

It is settled law that the transportation of persons is "commerce" within the meaning of the commerce clause.¹⁵ Prohibiting the transport of a class of persons into a state is an unconstitutional barrier to interstate commerce.¹⁶ Such a regulation is unconstitutional, even when based upon a huge influx of migrants resulting in health, morals, and financial problems of staggering proportions.¹⁷ A state or locality may not close its borders.¹⁸

Although it is not possible for cities to prohibit or discriminate against a certain class of interstate commerce, it is possible for them to regulate commerce, including the interstate commerce. Courts

¹³ *Zemel v. Rusk*, 381 U.S. 1, 15, 14 L.Ed.2d 179, 189, 85 S.Ct. 1271, *reh'g denied* 382 U.S. 873, 15 L.Ed.2d 114, 86 S.Ct. 17 (1965).

¹⁴ *Williams v. Zobel*, 619 P.2d 422, 426 (Alaska 1980), *rev'd on other grounds*, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d 672 (1982), citing *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 94 S.Ct. 1076, 39 L.Ed.2d 306 (1974) and *Sosna v. Iowa*, 419 U.S. 393, 95 S.Ct. 553, 42 L.Ed.2d 532 (1975).

¹⁵ *Edwards*, 314 U.S. at 172 ("[I]t is settled beyond question that the transportation of persons is 'commerce,' within the meaning of that provision.").

¹⁶ *Id.* at 173.

¹⁷ *Id.*

¹⁸ *Id.* (No boundary "to the permissible area of State legislative activity . . . is more certain than the prohibition against attempts on the part of any single State to isolate itself from difficulties common to all of them by restraining the transportation of persons and property across its borders.").

take a two-tiered approach¹⁹ to such regulatory activity, asking first: does the regulation regulate evenhandedly with only incidental effects on interstate commerce? If so, the regulation is valid unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. This kind of analysis might apply to a CBJ program that limited *all* tourists, even those from within Alaska.²⁰

If the regulation discriminates against interstate commerce, (meaning differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter) it is virtually *per se* invalid: The regulation will be struck down, unless it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives. A “strictest scrutiny test” will be applied and the regulator’s burden of justification is so heavy that it cannot, as a practical matter, be sustained.

D. The Privileges and Immunities Clause

The privileges and immunities clause of the U.S. Constitution states that the citizens of each state are entitled to all privileges and immunities of citizens in the several states.²¹ The U.S. Supreme court has interpreted this to mean that less favorable treatment by a state towards non-residents violates the privileges and immunities clause if the activity in question is sufficiently basic to the livelihood of the nation as to fall within the purview of the clause²², and is not closely related to the advancement of a substantial state interest. The availability of less restrictive means is relevant in determining whether the discrimination bears a close relationship to the permissible purpose.

An ordinance may pass muster under the clause if the city shows something to indicate that non-residents constitute “a peculiar source of evil” at which the ordinance is aimed. It is unlikely that the mere presence of people, tourists or otherwise, constitutes an “evil” warranting their exclusion. It is arguable whether tourism impacts are sufficiently “peculiar” that they justify a ban or limit on tourists or their activities, although regulation of the impacts of those activities would be more defensible, since that would be the least restrictive method of addressing the legitimate interest in quality of life issues.

¹⁹ *Oregon Waste Systems, Inc. v. Oregon Dept. of Env'tl. Quality*, 511 U.S. ___, 128 L.Ed.2d 13, 21-22 114 S.Ct. ___ (1994); *Barber v. State of Hawaii*, 42 F.3d 1185, 1194-95 (9th Cir. 1994).

²⁰ I am not altogether confident of this analysis: a municipal effort to limit tourism from outside the city but within Alaska might still be the kind of parochial legislation that would be struck down by the Alaska Supreme Court, if not the federal courts.

²¹ U.S. Constitution, Art. IV, § 2 (“The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states”); *Toomer v. Witsell*, 334 U.S. 385, 395-96, 68 S.Ct. 1156, 1162, 92 L.Ed. 1460, *reh'g denied*, 335 U.S. 837, 69 S.Ct. 12, 93 L.Ed. 389 (1948) (“The primary purposes of this clause . . . was to help fuse into one Nation a collection of independent, sovereign States. It was designed to insure to a citizen of State A who ventures into State B the same privileges which the citizens of State B enjoy . . .”).

²² *Baldwin v. Montana Fish and Game Comm'n.*, 436 U.S. 371, 388, 98 S.Ct. 1852, 1862-63, 56 L.Ed.2d 354 (1978) (In holding that elk hunting by non-residents in Montana is not “fundamental” under the privileges and immunities clause, the Court stated that: “Equality in access to Montana elk is not basic to the maintenance or well-being of the Union. Appellants do not - and cannot - contend that they are deprived of a means of a livelihood by the system or of access to any part of the State to which they may seek to travel.”) (emphasis added); discussed in *Hawaii Boating Ass'n. v. Water Transp. Facilities*, 651 F.2d 661, 666-67 (9th Cir. 1981).

VI. Conclusion

James Madison, the principal architect of the Constitution wrote in *The Federalist Papers*, about the parochialism of the Continental Congress and how it justified approval of the new federal system:

What is the spirit that has in general characterized the proceedings of Congress? A perusal of their journals, as well as the candid acknowledgments of such as have had a seat in that assembly, will inform us, that the members have but too frequently displayed the character, rather of partisans of their respective States, than of impartial guardians of a common interest; that where on one occasion improper sacrifices have been made of local considerations, to the aggrandizement of the federal government, the great interests of the nation have suffered on a hundred, from an undue attention to the local prejudices, interests, and views of the particular States. I mean not by these reflections to insinuate, that the new federal government will not embrace a more enlarged plan of policy than the existing government may have pursued; much less, that its views will be as confined as those of the State legislatures; but only that it will partake sufficiently of the spirit of both, to be disinclined to invade the rights of the individual States, or the prerogatives of their governments. The motives on the part of the State governments, to augment their prerogatives by defalcations from the federal government, will be overruled by no reciprocal predispositions in the members.

James Madison, *The Federalist*, #46

The protection of interstate commerce and national citizenship, like the separation of powers and a republican form of government, is built into the bones of the Constitution. Judges, particularly federal judges, will look very closely at any effort by one state or locality to exclude or disfavor people from someplace else.

Tourists, by definition, are people from someplace else. The Assembly should proceed very carefully before imposing a cap on tourism. A better approach would be to limit the impacts of tourism.

JRC/szl

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Assembly Goals 2023

Assembly Goals-Approved at the
1/30/2023 Assembly Meeting

1. Housing - Assure adequate and affordable housing for all CBJ residents

		Implementing Actions	Responsibility	Notes:
A	P	Revise and improve Title 49 to facilitate housing	Assembly, Planning Commission, Manager's Office, CDD	ADU code changes are the next priority on the T49 cte docket
B	P/F	Continue to monitor and track progress towards advancing the goals of the Housing Action Plan	Assembly, Manager's Office	Housing tracker report provided to 9/18/23 LHEDC. New in 23: Vacant/underdeveloped property map, ADU grant award increase, AHF Round 3, opening of Ridgeview Senior Housing, STR Registration Program.
C	P/F/O	Continue aggressive use of the Affordable Housing Fund, tax abatement, and other loan and grant programs	Assembly, Manager's Office	Staff report on AHF, grants and loan programs in April. Review goals and set funding levels for Round 4 in budget process.
D	P/F/AA	Evaluate and revise current CBJ systems associated with managing land and revising T49 in order to get big things done fast	Assembly, Manager's Office, CDD, Law	Discuss/update during retreat
E	P/F	Continue planning and implementation of (re)development of Telephone Hill, Pederson Hill, and the 2nd/Franklin property	Assembly, Manager's Office	T-Hill acquisition complete, property manager in place. EPW/CDD/Lands/Consultant working on redevelopment plan for Assembly review in 2024. Community engagement ongoing. 10+ acres on Pederson Hill sold to THRHA. Potential disposal of 2nd/Franklin property in conj w/potential acquisition of 2nd/Gold from SOA (SOA timeline ~4 years)
F	P/F	Reduce barriers to downtown housing development	Assembly, Manager's Office, CDD	Non and reduced parking areas established downtown.

2. Economic Development - Assure Juneau has a vibrant, diverse local economy

AA*		Implementing Actions	Responsibility	Notes:
A	F/O	Update the Comprehensive Plan	Assembly, Planning Commission, Manager's Office, CDD	Senior planning recruitment nearing completion.
B	O	Draft a resolution adopting the long term goals of the VITF, establish contractual relationships with private dock managers, analyze existing passenger fee structure, and explore methods to create a pathway towards functional municipal management of the waterfront.	Assembly, Manager's Office, Docks & Harbors	Resolution completed. Contract with CLAA completed. Currently working with private dock owners on options for municipal waterfront management.
C	P/F/O/S	Implement project strategy for Juneau Economic Plan, including revitalizing downtown, with regular updates	Assembly, Manager's Office	Many JEP action items are incorporated into other IAs. Consider update to JEP? Originally envisioned as 10 year plan in
D	F	Explore financing for the Capital Civic Center	Assembly, Manager's Office, Finance	\$5M previously appropriated grant match available (2022-06(b)(AJ))
E	P/F/S	Support Eaglecrest's objective of becoming self-sufficient	Assembly, Manager's Office, Eaglecrest	Determine if this is an accurate implementing action at next joint meeting.
F	P/F	Pursue and plan for West Douglas and Channel Crossing	Assembly, CDD, Planning Commission, Manager's Office	JDNC rec'd \$16.5M RAISE grant and \$7M CDS. MOU btwn CBJ/DOT in development, will cover project thru final design, incl env/permitting
G	P/F/S	Explore options for redeveloping under used downtown property	Assembly, CDD, Manager's Office, Engineering & Public Works	NPRA & Downtown Tax Abatement. AHF eligible. Staff rec on this IA: add specificity or remove.

Assembly Goals 2023

Assembly Goals-Approved at the
1/30/2023 Assembly Meeting

3. Sustainable Budget and Organization - Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community

AA*		Implementing Actions	Responsibility	Notes:
A	P/F	Develop strategy for fund balance and protect restricted budget reserve	Assembly, Manager's Office, Finance	<i>\$3M contributed to RBR in FY23</i>
B	P/F	Continue to evaluate sales tax structure including equity and evaluate removing sales tax on food	Assembly, Manager's Office, Finance	<i>Survey conducted in Spring 2023. Outcome - no change to sales tax on food.</i>
C	P	Long term strategic planning for CIPs	Assembly, Manager's Office, EPW	<i>Legislative priorities out to boards/commissions, feedback due 12/1, then to Assembly for ranking. Begins CIP process.</i>
D	P/F	Reduce mil rate as appropriate	Assembly, Manager's Office, Finance	
E	F/O	Allocate resources to implement Assembly goals	Assembly, Manager's Office, Finance	
F	F/O	Maintain Assembly focus on deferred maintenance including BRH and JSD.	Assembly, Manager's Office, EPW, all operating departments with facilities	<i>Assembly increased commitment to DM using 1% ST FY24-28. Close engagement btwn EPW, P&R, JSD, BRH on prioritization.</i>
G	P/F	Examine social service funding levels and process	Assembly, Manager's Office	<i>Change to or add: Examine community grant process and priorities</i>
*Assembly Action to Move Forward: P = Policy Development, F = Funding, S = Support, O = Operational Issue				

Assembly Goals 2023

Assembly Goals-Approved at the
1/30/2023 Assembly Meeting

4. Community, Wellness, and Public Safety - Juneau is safe and welcoming for all citizens

	AA*	Implementing Actions	Responsibility	Notes:
A	P/O/ S	Acknowledge and honor Juneau's indigenous culture, place names, naming policy, and recognize Elizabeth Peratrovich Day	Assembly, Manager's Office, Human Resources Committee	<i>S Seward St changed to Heritage Way.</i>
B	P/S	Explore government to government relations with tribes	Assembly, Manager's Office	<i>MOA/MOU discussions ongoing. Suggestion to add, "...and work on projects meant to grow effective communication, trust, and partnerships."</i>
C	P/O/ F	Explore fully subsidizing transit and eliminating fares	Assembly, Manager's Office, EPW	<i>Fare-free exploration presented at 12/19/22 PWFC and 5/10/23 AFC. Roughly \$800k revenue impact.</i>

5. Sustainable Community - Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

	AA*	Implementing Actions	Responsibility	Notes:
A	P/O	Develop a zero waste or waste reduction plan	Assembly, Manager's Office, EPW, Finance	<i>Zero Waste Pathway presented to PWFC 6/26/23. Contractor selected for Waste Characterization study (due Summer 2024). Will provide baseline data to establish and measure diversion goals. Working with EPA on application to receive \$2.5M CDS for composting facility. Applied for \$4M SWIFR grant, not successful.</i>
B	P/O	Develop strategy to measure, track and reduce CBJ energy consumption.	Assembly, Manager's Office, all departments	<i>Ongoing through P&R Facilities Maintenance</i>
C	P/O/ F	Implement projects and strategies that advance the goal of reliance on 80% of renewable energy sources by 2045	Assembly, Manager's Office, all departments	<i>GHG Report finalized 8/4/23. 6/5/23 CBJ applied for \$5M EV charging infrastructure planning and implementation grant.</i>
D	P/F	Prepare a changing climate hazards mitigation / resilience strategy	Assembly, Manager's Office, EPW	<i>Slower than desired progress is being made on the All Hazards Mitigation Plan. FEMA approval for a grant to hire a contractor to develop a new AHMP is progressing.</i>
E	P/O/ F	Develop strategy to reduce abandoned/junked vehicles	Assembly, Manager's Office, EPW, Law, P&R, D&H	<i>Ord 2023-38 (intro'd, not yet heard/adopted) is a first step in amending the traffic code to ease the burden on JPD and allow expansion of impound-in-place. A second ordinance further revising this section of code is in the works.</i>

*Assembly Action to Move Forward: P = Policy Development, F = Funding, S = Support, O = Operational Issue

New and/or edited Assembly proposed goals

Assemblymember Woll:

Goal 1:

- New IA: Measure and monitor short-term rental trends and evaluate feasibility of short-term rental regulation.

Assemblymember Kelly:

Goal 1, implementing action E

- Implementing Actions: <no change>
- Responsibility: <no change>
- Notes: Apply for historic status for Telephone Hill properties. There is speculation that they do or don't qualify. Let the federal government make that determination.

Goal 2, new implementing action

- Implementing actions: Improve childcare options and reduce costs for parents.
- Responsibility: Assembly, Manager's office, local partners (AEYC, JSD)

Goal 3, new implementing action

- Implementing actions: Explore ways to tie the budget to average CPI.
- Responsibility: City Manager, Finance Committee, Assembly
- Notes: The mill rate ties taxes to housing inflation. Per Jeff Rogers, housing inflation grossly outpaced the average CPI. This, I think caused a lot of the discontent in the raised taxes. If tied to average inflation we can keep up with our own costs while reducing the burden on tax-payers. Adjust mill rate to match with average inflation.

Goal 4, new implementing action

- Implementing action: Take over the deeds and management of cemeteries on Douglas where the ownership cannot be traced

Goal 4, new implementing action

- Implementing action: Index the senior property tax exemption to inflation.
- Responsibility: City manager, City attorney, Finance Committee and Assembly
- Notes: This was a voter request when I was knocking doors. The steep rise in property taxes hit seniors living on a fixed income the hardest since they can't budget for inflation. The exemption has less of an impact the more property values inflate.

Goal 4, new implementing action

- Implementing action: Explore options for protecting our residents from the natural hazards we face in Juneau including, avalanches, glacial outburst floods, and landslides

- Responsibility: City manager and Assembly

Goal 4, new implementing action

- Implementing action: Work with our partners in the Juneau Housing Coalition to create a strategic plan with clear goals and benchmarks
- Responsibility: City agencies such as Bartlett Hospital and Zach Gordon (and others) who are members of the Juneau Housing Coalition

Goal 4, new implementing action

- Implementing action: Negotiate a multi-year contract with a non-profit to operate a cold weather shelter by Spring 2024
- Responsibility: City manager or Deputy City Manager

Goal 4, new implementing action

- Implementing action: Explore options for recruiting firefighters and police
- Responsibility: Manager, Fire chief, police chief, fire and police unions

Goal 5, B and C

- Implementing actions: <no change>
- Responsibility: Assembly, Manager's Office, all departments, all CBJ enterprises, Juneau School District
- Notes: Install EV chargers in all CBJ parking lots and all CBJ enterprise parking lots. Install heat pumps in all city owned buildings

Goal 5, new implementing action

- Update study on establishing a new landfill
- Responsibility: City manager and Assembly

Goal 5, new implementing action

- Implementing action: Find out how we maximize how many vessels use shore power.
- Responsibility: City manager and Assembly

Goal 5, new implementing action

- Implementing action: Increase the availability of renewable electricity in Juneau
- Responsibility: City manager and Assembly