



DOCKS AND HARBORS BOARD MEETING AGENDA

July 25, 2024 at 5:00 PM

Port Director's Conference Room/Zoom Webinar

<https://juneau.zoom.us/j/82178930493> or (253)215-8782 Webinar ID: 821 7893 0493 Passcode: 026309

A. CALL TO ORDER: (5:00 pm in Port Director's Conference Room & via Zoom)

B. ROLL CALL: (James Becker, Tyler Emerson, Debbie Hart, Clayton Hamilton, Matthew Leither, Nicholas Orr, Annette Smith, Shem Sooter, 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. June 27th, 2024 Board Minutes

F. BOARD ELECTIONS

2. Election of Board Chair, Vice Chair and other such officers as the Board shall deem necessary.

G. UNFINISHED BUSINESS

3. Potential Re-designation of Aurora G Float Boat Shelter to Finger Moorage
Presentation by Harbormaster

Board Questions

Public Comment

Board Discussion/Action

MOTION: TBD

H. NEW BUSINESS

4. ADOT Harbor Facility Grant Resolution – PIDP Match Request
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO APPROVE RESOLUTION 2024-1 SUPPORTING \$1,394,250 FROM THE FY26 ADOT HARBOR FACILITY GRANT PROGRAM AS NON-FEDERAL MATCH FOR THE AURORA HARBOR DRIVE DOWN FLOAT PIDP GRANT APPLICATION.

5. ADOT Harbor Facility Grant Resolution – Statter Harbor Zinc Anode Installation
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO APPROVE RESOLUTION 2024-2 SUPPORTING \$500,000 FROM THE FY26 ADOT HARBOR FACILITY GRANT PROGRAM FOR ZINC ANODE INSTALLATION AT STATTER HARBOR.

I. ITEMS FOR INFORMATION/DISCUSSION

6. Docks & Harbor Board FY25 Planning Efforts
Presentation by Port Director/Board Chair

Board Discussion/Public Comment

7. Harris Harbor Vessel Sinking
Presentation by Harbormaster

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. Ops/Planning Committee Meeting - Wednesday August 21st, 2024
- b. Board Meeting - Thursday August 29th, 2024

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.gov.

DOCKS AND HARBORS BOARD MEETING MINUTES

June 27, 2024 at 5:00 PM

Port Director's Conf. Room /Zoom Webinar



<https://juneau.zoom.us/j/85927225379> or (253)215-8782 Webinar ID: 859 2722 5379 Passcode: 263394

- A. **CALL TO ORDER: (5:00pm in the Port Director's Conference Room & via Zoom)**
- B. **ROLL CALL: The following members attended in person or via zoom: James Becker, Debbie Hart, Matthew Leither, Annette Smith, Shem Sooter, and Don Etheridge**

Absent: Paul Grant

Also in attendance: Carl Uchytel – Port Director, Matthew Sill – Port Engineer, Matthew Creswell – Harbormaster, Ella Adkison—Liaison to the Assembly, and Melody Musick—Administrative Assistant

C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES

Mr. Uchytel REQUESTED TO ADD SPECIAL ORDER OF BUSINESS AFTER APPROVAL OF THE MINUTES.

MOTION By MS. HART TO APPROVE THE AGENDA AS PRESENTED OR AMENDED.

Motion passed unanimously.

D. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None.

E. APPROVAL OF MINUTES

1. May 30th, 2024 Board Minutes

Hearing no objection, the minutes were approved as presented.

F. SPECIAL ORDER OF BUSINESS: DOCKS AND HARBORS EMPLOYEE OF THE QUARTER

Mr. Uchytel recognized Port Engineer Matthew Sill, in a letter address, with the CBJ Docks and Harbors Employee of the Quarter Award for April 2024-June 2024. Mr. Sill was promoted to his current position as Port Engineer in December of 2022. Mr. Sill's background and innovative outlook has contributed to the success of maintaining Docks and Harbors. Notably Mr. Sill's work on Aurora Phase III design and construction while navigating industry and production challenges has led to the successful completion of the project. Other achievements include the work and completion of the Statter Harbor restroom facilities, Douglas Harbor Parking Lot Lights, and Harris Harbor Security Gate. The work on these projects reflects Mr. Sill's commitment to the safety and betterment of the Docks and Harbors facilities. Mr. Sill has ensured that Docks and Harbors grant applications are submitted on time with optimal opportunity for success.

G. NEW BUSINESS

2. Golden North Salmon Derby – Request for 2025 Launch Ramp Donation

Mr. Uchytel said that the Board has received a request from Territorial Sportsman INC. for a single launch ramp permit for 2025. Mr. Uchytel said that Docks and Harbors does not typically give out things as there is no budget for marketing. The value of the launch ramp permit is approximately \$120, the request came from Mr. Orr who is in attendance and can receive specific questions.

Board Questions

Mr. Leither asked if the launch ramp permit is for a raffle?

Mr. Orr said that the launch ramp permit would be added to the prize pool for the Salmon Derby.

Ms. Smith asked if the Board donated a launch permit last year?

Mr. Uchytel said that last year a survey was sent out and two launch ramp permits for the 2024 calendar year were awarded to two randomly selected survey participants.

Public Comment

Nick Orr with Territorial Sportsman INC., Juneau AK

Mr. Orr said that he would appreciate the Board's approval of the donation.

Board Discussion & Action- None.

MOTION BY MR. BECKER TO APPROVE DONATING A CY2025 DOCKS & HARBORS LAUNCH RAMP PERMIT TO TERRITORIAL SPORTSMEN, INC IN SUPPORT OF THE AUGUST 2024 GOLDEN NORTH SALMON DERBY.

Motion passed unanimously.

3. Boat Shelter Sale (AF-028) - William Suss

Mr. Uchytel said that Mr. Suss approached the harbormaster to sell his boat shelter. The request to the harbormaster is now being extended to the Board. In the past the Board has not expressed interest in purchasing half of an existing boat shelter.

Board Questions- None.

Public Comment- None.

Board Discussion & Action- None.

MOTION BY MS. HART TO WAIVE THE BOARD'S RIGHT ITS RIGHT OF FIRST REFUSAL TO PURCHASE BOAT SHELTER AF-028.

Motion passed unanimously.

H. ITEMS FOR INFORMATION/DISCUSSION

4. Title 85 Changes – Unintended Consequences

Ms. Smith presented a supplemental document in the form of a packet attached at the end of the meeting minutes. Ms. Smith said that upon review of the recently approved Title 85 changes she has concerns which are listed in the packet provided. The first section Ms. Smith said is confusing to understand and that it implies that the Board is interested in the politics of the tourism industry. Ms. Smith said that the Board's primary task is the maintenance of the docks and harbors, which is unrelated to matters related to the volume of tourists. Ms. Smith referenced section one of the packet and the removal of rate setting from Docks and Harbors which could have potentially negative consequences. Ms. Smith said politics should not have an influence on the maintenance of Docks and Harbors. Ms. Smith proposed change for section one issue would involve a base rate set by Docks and Harbors and the Tourism Manager would have the ability to increase upon the base rate. The packet provided by Ms. Smith contains a proposal for a change in the wording of Title 85. Ms. Smith said the second issue is that the proposed changes take authority away from the Assembly and make it the subject of the whims of the Tourism Manager.

Ms. Adkison said that she understands Ms. Smith's concern of placing the authority of nine people onto one person, however, the Tourism Manager is hired and fired by the Assembly.

Ms. Smith said that the changes open the rate setting to political personalities and that it is a concerning issue. Ms. Smith proposed change would not allow the Assembly to change the base rate in reference to page 2 of the provided packet. Ms. Smith said it is crucial that the Docks and Harbors staff have control of the base rate for the maintenance on facilities to be performed. Issue 3 presented in the packet expresses the concern of placing authority for the approval of major projects on the Tourism Manager instead of the Assembly. Issue 4 takes away the authority of the Assembly to manage cruise ship tourism. Ms. Smith said that the rate setting abilities should be addressed so that problems don't arise in the future.

Board Discussion/Public Comment

Ms. Adkison said that the base rate idea is something that should be considered. The Assembly is looking at rate raising and not lowering, Ms. Smith's concerns about the rates not being able to support the maintenance of Docks and Harbors is understandable. Ms. Adkison said that there is self-regulation built into the process, that if rates are lowered and the funding to Docks and Harbors services are cut that the patrons and community members who elect the members of the Assembly can regulate the political concerns. Ms. Adkison said that putting regulatory authorities under the Tourism Manager does not undermine the Assembly. It allows the Tourism Manager to directly address the Assembly without a resolution. If the Tourism Manager does not take the direction of the Assembly, then the Assembly will hire another Tourism Manager. Ms. Adkison said that she will go over the proposed idea for a base rate with the CBJ legal team.

Mr. Leither said that Title 85 has been adopted with the changes made after debating the issues over the past 5 months. It is the purview of the Assembly to make the changes and not Docks and Harbors. Since the Board has met with the liaison to the Assembly and the City Manager to discuss changes it would be in the best interest of the Board to use the time to discuss other issues.

Ms. Hart said that she appreciated the presentation by Ms. Smith and that she opposes the viewpoint of Mr. Leither. Ms. Hart said that in the testimony that she provided for the Assembly, she stated that she did not believe the changes to Title 85 were well vetted. Ms. Hart said that the language of Title 85 is confusing and allows for interpretation. Ms. Hart said that she would like to hear from the Docks and Harbors staff regarding any issues or confusion considering the Title 85 changes. Ms. Hart asked if they wanted to bring these concerns up to the Assembly what is the process? What are other changes that staff would like to be recognized? What is a good time frame for bringing up these issues and bringing them to the Assembly?

Ms. Adkison said that concerns can be communicated through herself as well as written communication to the Assembly. Ms. Adkison said that she does not believe the Assembly would be interested in bringing up changes right away. Case situational scenarios will be addressed if there is confusion related to Title 85 verbiage. Ms. Adkison said that the Assembly would be open to changes after a couple of months of observing the implementation and practice under Title 85.

Ms. Smith said that there is only one change that she views as important, which would be implementing a base rate. Ms. Smith said that having it written in law is important for certain scenarios in the future. Ms. Smith said that staff knows better than any leadership the maintenance that needs to be done. The Assembly having the ability to lower rates could lead to harmful consequences to Docks and Harbors.

Mr. Etheridge asked Mr. Uchytel when the new rate increases will go into effect.

Mr. Uchytel said that they will go into effect under the existing ordinances and regulations.

5. Seating New Board Members - Assembly Communication

Mr. Uchytel said that on pg. 18 of the agenda packet there is information for individuals who are applying for the Docks and Harbors Board. Some changes have been made to the information provided in years past to reflect the current Board members. Mr. Uchytel asked if there is any information or directions that the Board would like to add for the Assembly when they go to interview the new Board candidates.

Mr. Etheridge said that it is important that the candidates who are applying for the Board have an interest beyond one subject or interest. This will ensure that the Board members are interested and invested in the Docks and Harbors as a whole and not a single issue.

Mr. Uchytel said that is attempted to be covered under the "skills and knowledge" required section.

Public Comment/Board Discussion

Mr. Sooter said that it is a burden when someone commits to the Board and then does not participate.

Mr. Uchytel said that on Monday the 1st of July the Assembly will be interviewing Mr. Becker, Dr. Leither, Mr. Orr, Mr. Hamilton, Mr. Leis, Mr. Krause, and Mr. Emerson.

6. Vessel Disposal Surcharge/Regulations Changes

Mr. Creswell said that in the spring there was discussion about the vessel disposal surcharge change. Currently it is \$0.31 per foot per month for vessels who are assigned stall holders who are uninsured. Mr. Creswell said the goal is for the fee to apply to the assigned stall holders as well as the monthly, semi-annual, and annual rate vessels who are uninsured. Over the past couple of years there has been an increase in disposal of abandoned, sunk and derelict vessels. To cover the Harbors cost of disposal this rate application could help with those costs. CBJ Law wants to reengage in August to discuss a rate to apply to monthly, semi-annual, and annual uninsured vessels that would cover 125% of the annual disposal costs on a 2–3-year average. Mr. Creswell said that he would like the regulation to include an adjustable rate based on the data. Mr. Creswell would like the new vessel disposal surcharge to be implemented by the first of the calendar year.

Board Discussion/Public Comment

Ms. Smith asked how much the Douglas fire cost the Harbors?

Mr. Creswell said that he does not know the exact costs. However, since many of the repairs required parts that Docks and Harbors already have the cost is largely reduced.

7. Aurora Breakwater Work Float – Management Plans

Mr. Creswell said that the old 180-foot Ketchikan Breakwater has been anchored outside the breakwater at Aurora Harbor by Western Marine Construction. One side of the breakwater contains cleats, the other does not. The contract with Western Marine Construction states that they have access to the side without cleats when needed. The breakwater will be used primarily by commercial fishermen. This season there is no charge for users of the breakwater, no overnight moorage, reservation only, no unattended gear left on floats, use without a reservation will result in a full day charge of use, and meant to be used for net repair. On the breakwater side vessels with a large draft should exercise caution. Signs will be posted with use instructions in the next week.

Board Discussion/Public Comment

Mr. Etheridge asked if there will be fines issued for gear left unattended on the float?

Mr. Creswell said that under Title 85 and 05 there is a fine schedule.

Mr. Becker asked if the breakwater is still for sale while being used by Docks and Harbors.

Mr. Creswell confirmed that the breakwater is still for sale and is essentially in wet storage under Docks and Harbors use.

Mr. Leither asked what is the use agreement for the breakwater? Is it if we break it, we buy it?

Mr. Uchytel said that we are required to conduct maintenance. Docks and Harbors are not responsible for any improvements. Western Marine Construction installed the breakwater and therefore would be responsible for any issues with the installation or anchors.

Mr. Leither said that net repairs often take longer than a single day, if fishermen are the only people using the breakwater would they be able to stay longer to make repairs if needed.

Mr. Creswell said that he would not take action to impede the work of the fishermen actively conducting repairs. Therefore, would work alongside fishermen on a case-by-case basis. No overnight moorage is a management tool, but if a fisherman has a reason for needing to stay longer accommodations will be made. Similar set up with the Douglas breakwater.

Mr. Sooter asked if there are lights on the breakwater?

Mr. Creswell said that lights have been ordered and will be installed as soon as they are received. Under Coast Guard guidance a local notice to mariners has been issued.

8. Potential Re-designation of Aurora G Float Boat Shelter to Finger Moorage

Mr. Creswell said that during the January snow storms the G22-23 boat shelter sunk. The two stalls have been released by Mr. Thibodeau. No one has approached Docks and Harbors asking to put in a new boat shelter. Mr. Creswell said that the stalls would be better used as general moorage and as part of the Aurora phase IV to build a 42' finger. The electrical pedestals are already on the G float. The cost to install a new finger is approximately \$90,000, which could be included in the phase IV contract.

Board Discussion/Public Comment

Ms. Smith asked how long it would take to recover the \$90,000 cost of installation?

Mr. Creswell said it would take a while with just moorage fees.

Mr. Leither asked for Mr. Creswell to speak more about the need for general moorage slips in Aurora Harbor.

Mr. Creswell said that the new H floats are all assigned and hot birthing is occurring. There are active waiting lists for all the stalls.

9. Aurora Phase IV – Update

Mr. Sill said that he is finishing up the permit drawings for Aurora Phase IV and submission for permits will be completed after review from the contractors. The first draft for Aurora Phase IV has been completed. Phase IV will be completed with the help of term contracts to help with complex design elements. Funding is pending depending on the state budget.

Board Discussion/Public Comment- None.

10. Statter Phase IIID (Curb, Gutter & Paving) - Proposed Plan

Mr. Sill referenced the final page in the agenda packet. The 35% design provided by the contractors from the Statter Harbor restroom project would pave the gravel lot that is used by the tour buses. The

project would pave the lot, add landscaping, and put in sidewalks. The lot will be designed with angled parking for buses, which is preferred by the current industry. The backing up noise for buses is being changed to a white noise to reduce noise complaints from the neighborhood. The estimated cost is shown on page 20 of the packet, 3.6M.

Mr. Uchytel said that \$3.6M is the total projected project cost. The cost may be reduced by removing some unnecessary items such as additional lighting which would bring project costs closer to \$3M. Mr. Uchytel said that on page 19 of the packet the Board can see the 2024 budget. The end of year projected fund balance is 3.2M and revenue will collect from July-September is approximately 1.4M which will be added to the fund balance. Mr. Uchytel said that he does not anticipate being successful in petitioning the city and Tourism Manager for money from the head tax for the paving project. Docks and Harbors recommendation is that the fund balance be used for the capital improvement project. The lot currently looks dusty and unfinished, and the use of docks funds would be to the benefit of the tourism that occurs at Statter Harbor. If the Board thinks it is a good idea to use funds in this manner, Mr. Uchytel said that he will begin working with the city engineering department and finance department to commit to the project.

Board Discussion/Public Comment

Mr. Etheridge asked what would be left in the dock fund?

Mr. Uchytel said that he would like the project to be completed in 2025, over which time funds will be added to the balance. In the past the finance department has advised maintaining 4 months of operating costs which would be approximately a quarter of a million dollars. Mr. Uchytel said that the City Manager is more interested in funding projects with the head tax like the Seawalk and therefore the funding for Statter Harbor phase III D would need to come from docks fund balance.

Ms. Smith asked if anyone knew the amount that was recommended to maintain in the fund balance based on the rate setting.

Mr. Uchytel said that according to his recollection the rate setting Docks and Harbors should strive to collect 1.2M from both enterprises on an annual basis.

Ms. Hart asked if the City and Tourism Manager would be comfortable with the use of docks funds for the purpose of the capital improvement project.

Mr. Uchytel said that based on the ruling in the 2018 lawsuit settlement agreement, CLIAA does not object to the use of $\frac{3}{4}$ of the cost up to \$12M of head tax funds on capital improvement projects at Statter Harbor. Mr. Uchytel said that there should not be any reason for complaint about the use of docks funds in Statter Harbor.

Mr. Sooter asked if this will complete the Statter improvement projects.

Ms. Smiths asked why the project is important.

Mr. Uchytel said that it is important to finish the project and not leave work unfinished. If the Board provides approval, then Mr. Uchytel will work with the City Manager's office and finance department for approval. NOAA recently received funding, with the use marine passenger fees, for an art project out at Statter Harbor and study on the cortisol stress levels of the whales in Auke Bay.

Mr. Sooter asked Mr. Creswell about moving staff parking.

Mr. Creswell said that moving staff parking has worked positively and that the paving design will be changed to incorporate the staff parking.

Mr. Etheridge said that he would approve the use of docks funds for this project.

I. COMMITTEE AND MEMBER REPORTS

1. Operations Committee Meeting Report- None.
2. Assembly Lands Committee Liaison Report- None.
3. South Douglas/West Juneau Liaison Report- None.
4. Member Reports

Ms. Smith asked about the theft that is occurring at the harbors and if the culprit has been caught. Ms. Smith asked what is being done about the security of the harbors.

Mr. Creswell said that Docks and Harbors observe and reports the occurrence of theft in the harbors. The only tool available is to trespass the individual and report them to JPD who oversees arresting. The culprit has not been caught as the security officers have yet to catch the individual in the act of trespassing. Security is newly 24 hours and Mr. Creswell is hearing the requests for gated secure harbors.

Mr. Leither asked if the culprit of the theft was a harbor patron?

Mr. Creswell said that to his knowledge the individual is not a harbor patron.

Mr. Leither said that he appreciates the letter of concern and wants to consider putting something on the agenda in the future to look at putting gates in all the harbors.

J. PORT ENGINEER'S REPORT

Mr. Sill reported-

- Harris Harbor Gate- The IT department has been instructed to move over the security cameras and computer equipment for installation. The locking mechanism has been damaged and will need to be repaired before the use of key fob access.

Mr. Leither asked Mr. Sill if he thought the damage done to the lock was unintentional?

Mr. Sill said that someone forcefully removed the locking mechanism and therefore intentional damage. Mr. Sill said that he did not want to repair or install any more infrastructure until security cameras are installed.

- Ribbon Cutting Ceremony for H Float- Successful ribbon cutting ceremony. All the stalls are full and there are some technical electrical issues that are being worked out. Patron feedback is positive.

Mr. Becker asked what was put in the canon at the ribbon cutting ceremony.

Mr. Sill said that it was a cylinder of black powder and some hotdog buns as the projectile.

K. HARBORMASTER'S REPORT

Mr. Creswell reported-

- Mr. Kevin Dugan- The Harbor Operations Supervisor Mr. Dugan had a stroke 6 weeks ago has returned from Anchorage. He is in good spirits and recovering. There is a meal train for his family.
- General Harbor Update- The harbors are busier earlier than in years past. Rafting of vessels is occurring at Statter Harbor. Harbors are full and in high demand. Hot patches are being used to make small harbor repairs in the parking lots. Bull rail sections have been installed with successful results at Statter Harbor.
- Aurora Harbor Update- 30-day sea trail notices were sent out at the beginning of June for vessels that have not moved within the year. Compliance with sea trail requests has been high.
- Growth at the Port- Issues have been arising with the growth of taxis and use of Uber and Lyft at the port. Some taxi stands have been added. Majority of taxi's are B zone permit holders which creates issues when taxis try and sell from the lot as B zone permit holders are required to be pre-sold. There is a community and tourism need for taxis. Mr. Creswell will be meeting with industry leaders to help resolve the issue. Mr. Creswell has reached out to the Tourism Manager for direction about addressing the issue with Uber and Lyft drivers.

- Facility Security Plans- There are two facility security plans, one for the port and one for Auke Bay. The security plan was drafted by Marine Exchange and submitted to the Coast Guard. The plans must be reviewed every 5 years and every year there is an annual inspection by the Coast Guard. Prior to the annual inspection there is an audit of the plan, which occurred this week with positive results.

Mr. Etheridge asked about the sink hole at Aurora Harbor.

Mr. Creswell said that the sink hole has been identified.

Mr. Leither asked about the observation made by Mr. Creswell earlier in the season about the lower reservation rates for larger vessels. Mr. Leither asked if reservations have increased?

Mr. Creswell said that he does not have exact numbers but is observing an increase in larger vessel reservations. IVF reservations are being limited by larger Princess vessels that overhang off the Franklin Dock which blocks access to the inside of the IVF. Additionally, National Geographic vessels use the IVF on the weekends which blocks private vessels from making longer reservations.

L. PORT DIRECTOR'S REPORT

Mr. Uchytel reported-

- DOT Grant- The governor has till Sunday to approve funding for Aurora Phase IV.
- RAISE Grants- 3 Alaskan recipients: DOT, Yukon River Community, and Wrangell.
- Truanco Family Trust Lease- Mr. Uchytel said that he met with the City Manager to review the language for the new lease that was discussed at the previous Board meeting. The language regarding the lessee having the preferential right to renew the lease for 35 years has been removed.
- PND Taku Harbor- Mr. Sill and Mr. Uchytel met with PND to discuss the potential to elevate access to the to the piling at Taku Harbor, reusing existing gangways instead of adding additional floats. Proposals will be brought to the Board once received from PND.
- Wayside Float- Received a 65% design for the Wayside Float. The design includes dredging a large hole in Gastineau channel. Mr. Uchytel reached out to Katie Harms at DIPAC who recommended reaching out to the Smith brothers since the location may impact their dredging projects.
- New Administrative Officer- Marsha Layton hired from the State. Her first day is July 2nd.

M. ASSEMBLY LIAISON REPORT

Ms. Adkison reported-

- Assembly is calmer since passing the budget. The Assembly will be interviewing 7 candidates for the 5 seats open on the Docks and Harbors Board.

N. BOARD ADMINISTRATIVE MATTERS

- a. Ops/Planning Committee Meeting - Wednesday July 17th, 2024
- b. Board Meeting - Thursday July 25th, 2024.

O. ADJOURNMENT- The meeting was adjourned at 6:38pm

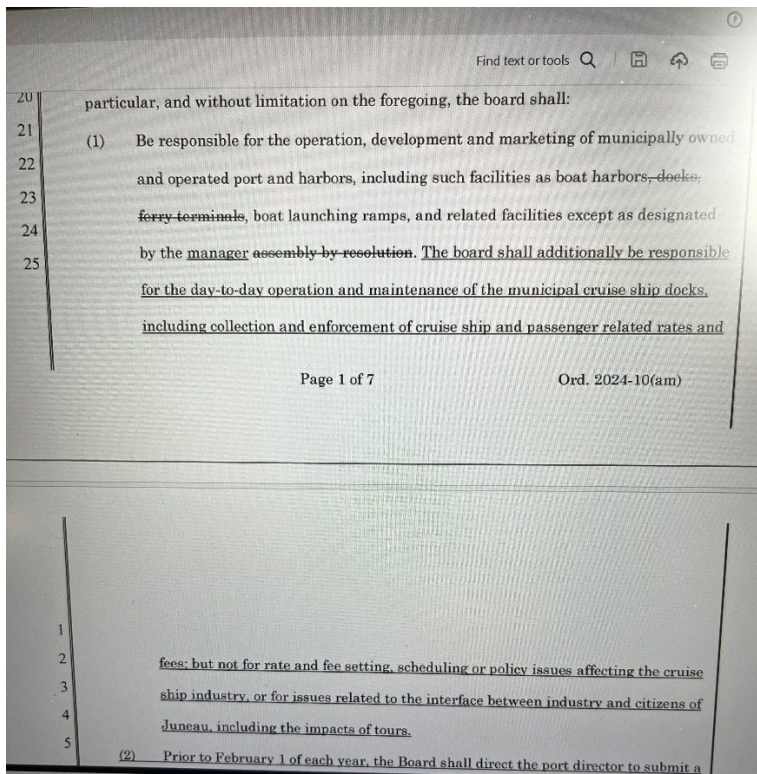
ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.

Supplemental Document Provided by Ms. Smith for New Business Item H.

There are several concerns I have with the future consequences of the changes made to Title 85 regarding the docks section of the Docks and Harbors Board.

Issue 1 –

- This is the section as changed -



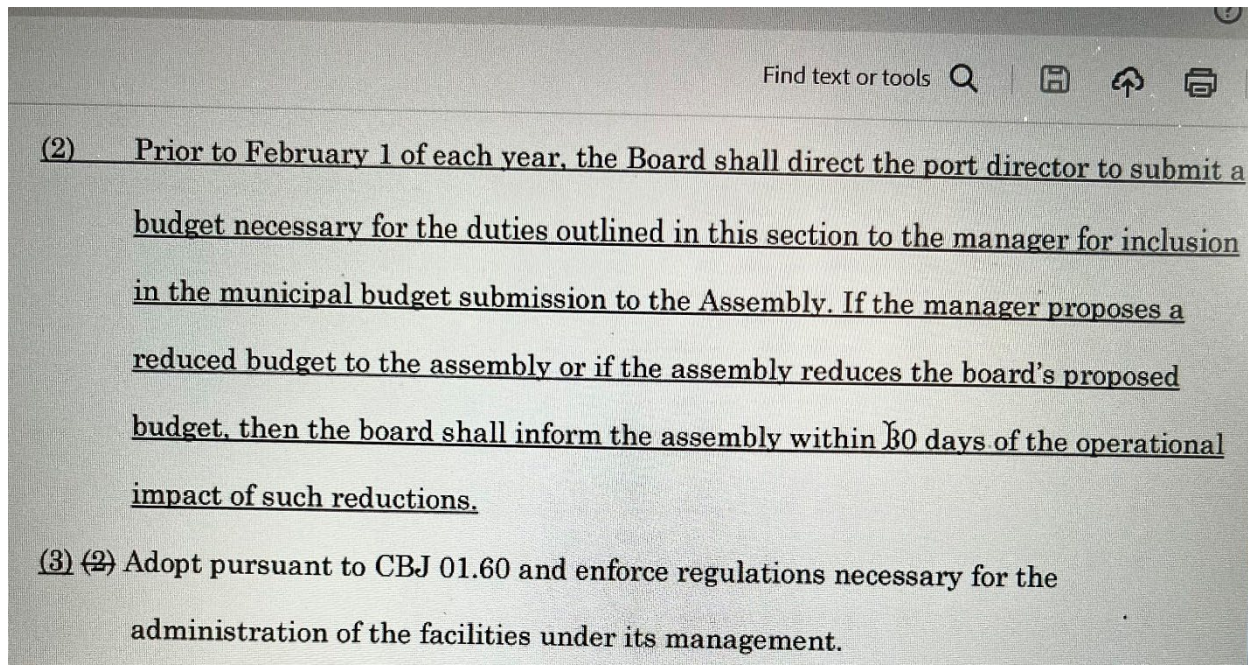
- It appears that the perception is that the Docks and Harbors Board is interested in policy decisions regarding the tourism industry. I do not believe this is true. Our interest is maintaining and developing the assets we have. Any decisions regarding policies regarding tourism (whether to encourage more or discourage more) is of no consequence to the Docks and Harbors Board. Our focus is developing and maintaining our facilities. This is evidenced by the Covid years when we had no cruise tourism and therefore no income at the docks. Still those facilities needed to be maintained. Failure to maintain these facilities would quickly cause them to fall into ruin.
- Removing the “Assembly by resolution” and placing which facilities we are responsible for under the manager opens us up to facilities being added or removed based on one person’s “feelings” at the moment instead of under the thoughtful deliberation of elected officials.
- The removal of rate setting from Docks and Harbors has potentially disastrous consequences. Tourism is a politically charged issue, subject to change with the politics of the community. Funds required to maintain the docks are not a political issue. It is an issue of what maintenance is required to keep the docks in usable and safe condition. It is critical that the Board sets the “base” rate for the docks. The base rate is the amount required to keep the docks in a safe and operational condition as well as operational changes that may be required by homeland security. The Docks and Harbors staff and Board

are intimately familiar with these requirements. Those who are not involved in the day-to-day operation and homeland security requirements can only guess at the income required.

- I understand there are issues that we are charging far less for our dock rates than the private docks are charging. This is a political issue and not an issue regarding facility maintenance. It can easily be addressed by the D&H Board setting the “base” rate, and the political powers increasing that rate to meet the political goals. The rate required to maintain the docks (base rate) is not a political issue and therefore politics should not be allowed to reduce that rate.
- I propose the following changes to the above –
 - (1) Be responsible for the operation, development, marketing, and rate setting of municipally owned and operated ports and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities except as designated by the Assembly by resolution. The Board is not responsible for scheduling or policy issues affecting the cruise ship industry, or for issues related to the interface between industry and the citizens of Juneau, including the impacts of tours.

Issue 2 –

- This is the section as changed -

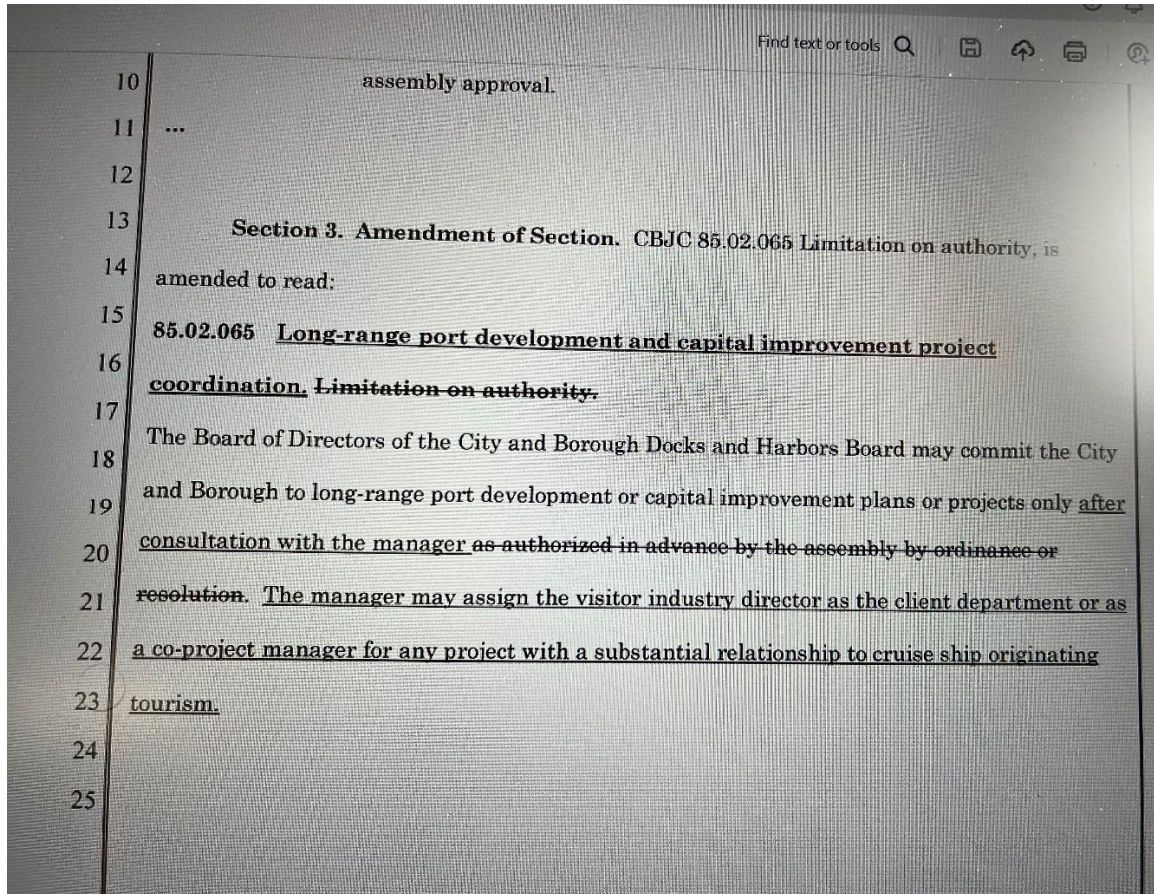


- This change opens up the rate setting to political whims and personalities and can seriously jeopardize the Board and staff's ability to keep our facilities in a safe and operational manner. As addressed above the rate that is required to maintain our facilities is not subject to politics or feelings or personalities. This issue can be resolved by requiring the port director to submit a budget that covers maintenance as well as the requirements of homeland security (base rate) and allowing the manager to add any increase desired to the budget amount. Reduction to the base rate should only be done by the Assembly after careful deliberation.
- I propose the following changes to the above –
 - (2) Prior to February 1 of each year, the Board shall direct the port director to submit a budget necessary to maintain the facilities in a safe and operational manner that includes any changes in

operation required by homeland security. This rate is called the base rate and cannot be changed except by the Assembly. The manager may propose an increase to the base rate that will be included in the budget submitted to the Assembly.

Issue 3 –

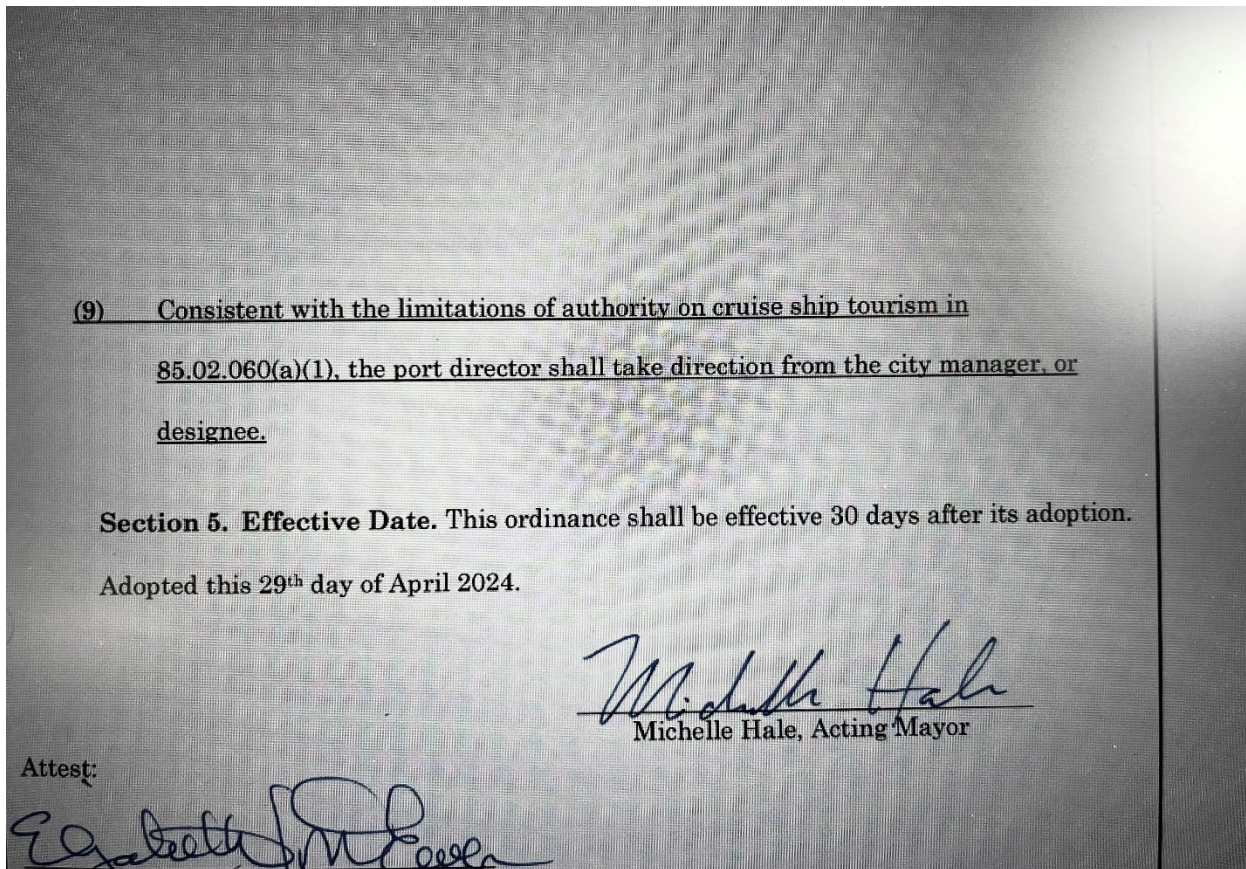
This is the section as changed –



- This change again creates confusion and uncertainty by putting this authority under a single person. It opens up long range projects (such as dock electrification) subject to the whims of one individual instead of with thoughtful deliberation of elected officials, the Assembly.
- I am not sure what to do with this section....other than return it to its original wording with the addition of the final sentence.
- Board discussion needed on this.

Issue 4 –

- This is the section as changed -



- Again, confused on this section. It seems to be taking authority away from the Assembly.
- Board discussion needed on this section.

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.
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 set forth in Sections 85.02.060, 85.02.063, and 85.02.065.

ARTICLE III. OFFICERS

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

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS BOARD
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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 as provided in CBJC 85.02.010 and CBJC 85.02.030.
4. REMOVAL. Any officer may be removed from his or her office. Removal may be recommended by an affirmative vote of at least six (6) Board members at a meeting called for that purpose; final removal will be decided 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 may assign tasks to Board members and committees and 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 COMMITTEE. There shall be the following standing committee of the Board:

* Operations & Planning

The Board or the Chair, upon ratification of the Board, shall appoint a Board member to serve as the 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 Board or the Chair, upon ratification of the Board, shall appoint a Board member to serve as the committee Chair of each special committee.

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.

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS BOARD
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ARTICLE V. MEETINGS

1. REGULAR. The Board shall meet at least once each month at a place and time designated by the Chair.

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 Vice Chair, and other such officers as the Board shall deem necessary, shall be elected.

3. Reserved.

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.

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 remotely. For all committee meetings, a quorum shall consist of a majority of the membership.

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.

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS BOARD
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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 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

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.

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS BOARD
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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. REMOTE PARTICIPATION.

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

B. 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 remotely.

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

D. A member participating remotely shall be counted as present for purposes of quorum, discussion, and voting.

E. The member participating 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.

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

G. If the 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 remotely is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the connection is established or restored.

H. Any member of the public present remotely shall be allowed to speak to the same extent he/she would if physically present at the meeting.

**CITY AND BOROUGH OF JUNEAU
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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 Chair of the meeting will conduct the hearing.
- B. The presiding Chair will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.
- C. The presiding 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 via email at: HarborBoard@juneau.gov.
- E. The presiding Chair 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 Chair.
- 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 Chair, 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 Chair during 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 the material presented. The questions may not be argumentative, nor may they have the effect of unreasonably extending the time limit applicable to public speakers.

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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 accommodation is available upon request. To the extent allowed by law, 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.gov.

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.

ARTICLE VII. PORT DIRECTOR

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 December 11, 2023.

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.

Adopted this 11th day of December 2023, by Resolution No. 3021.



Attested by Elizabeth J. McEwen, Municipal Clerk



Docks & Harbors Board RESOLUTION

RESOLUTION NO. 2024-1

A RESOLUTION OF THE DOCKS & HARBORS BOARD OF THE CITY & BOROUGH OF JUNEAU, FORMALLY SUBMITS A HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) IN THE AMOUNT OF \$1,394,250 FOR THE NON-FEDERAL MATCH OF THE PROJECT TITLED AURORA HARBOR DRIVE DOWN FLOAT.

WHEREAS, Docks & Harbors wishes to support and expand commercial marine enterprises in the downtown vicinity, including commercial fisheries ; and

WHEREAS, Docks & Harbors has applied for a \$13.9M Maritime Administration (MARAD) Port Infrastructure Development (PIDP) grant for an Aurora Harbor Drive Down Float and has committed \$2,788,500 of non-federal match; and

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities administers the Harbor Facility Grant Program; and

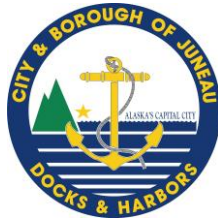
WHEREAS, the Harbor Facility Grant Program can be leveraged for non-federal local match; and

WHEREAS, the City & Borough of Juneau owns and maintains Aurora Harbor and Aurora Harbor is eligible for a Harbor Facility Grant; and

WHEREAS, the City & Borough of Juneau has more than the minimum 50% in local matching funds for construction of Aurora Harbor Drive Down Float per the Harbor Facility Grant Program; and

WHEREAS, the City & Borough of Juneau is capable of completing the Aurora Harbor Drive Down Float within eighteen (18) months after award of a Harbor Facility Grant; and

WHEREAS, the Aurora Harbor Drive Down Float is critical to the City & Borough of Juneau in developing marine infrastructure to support small businesses and commercial fishermen;



NOW, THEREFORE, BE IT RESOLVED by the DOCKS & HARBORS BOARD of the CITY & BOROUGH OF JUNEAU supports the project titled Aurora Harbor Drive Down Float and agrees, subject to available Alaska Legislative funding and selection by DOT&PF, to enter into a grant agreement with the State of Alaska, Department of Transportation and Public Facilities for a Harbor Facility Grant.

City & Borough of Juneau
Docks & Harbors Board Chair

Attested by _____
Docks & Harbors Administrative Officer
Date _____



Port of Juneau

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

July 12th, 2024

James L. Marks
Director, Division of Planning & Program Development
Alaska Department of Transportation & Public Works
PO Box 112500
Juneau, AK 99811-2500

Dear Mr. Marks,

As the City & Borough of Juneau (CBJ) - Docks & Harbors closes out the successful completion of Aurora Harbor Phase III, we are very thankful to ADOT for the fiscal support received in our harbor recapitalization efforts. We are equally delighted in Commissioner Anderson's backing and Governor Dunleavy's appropriations for the FY25 Harbor Facility Grant program. CBJ will be the recipient of \$5M for Aurora Phase IV which will enable us to complete the rebuild of Aurora Harbor, after 12 years of efforts. We anticipate awarding Phase IV by the end of December and expect to complete the \$10M project by June 30th, 2025.

Docks & Harbors is perpetually looking for opportunities to build waterfront infrastructure to drive economic activity, including commercial fisheries. In May, Docks & Harbors submitted a FY24 Maritime Administration (MARAD) Port Infrastructure Development Program (PIDP) grant application to construct an Aurora Harbor Drive Down Float. This float will be in the Aurora Harbor basin at a distance furthest away and not connected to the Phase IV project. The estimated project cost for the Drive Down Float is \$13.9M. CBJ is committed to offering \$2,788,500 as local, non-federal match.

I formally request consideration to allow CBJ Docks & Harbors to compete for the FY26 Harbor Facility Grant, even though an existing grant (Aurora Harbor Phase IV) will not be completed until the end of FY25 (June 30th). Our request under the Harbor Facility Grant would be for \$1,394,250 (half of the non-federal match). We expect MARAD to make PIDP award notifications in November 2024.

Under the FY26 ADOT Harbor Facility grant instructions, Docks & Harbors would be disqualified from consideration due to C.9 which reads:

Prior harbor grants must be completed and closed-out before another harbor grant application will be accepted for the same harbor facility.

As CBJ Docks & Harbors frequently leverages ADOT Harbor Facility grant opportunities, I appreciate a strict and certain interpretation of the enabling statute and department policy. I assume the restriction to close out a project before accepting another grant application is to discourage bundling grants into a larger project. In our case, our Phase IV is to complete the rebuild of Aurora Harbor and the Aurora Drive Down Float is a separate initiative for infrastructure aligned with the goals of the ADOT Harbor Facility Grant.

I can also offer the following:

- Docks & Harbors is confident we will have Aurora Phase IV completed by July 2025.
- Docks & Harbors has the necessary local match funding for the MARAD PIPD project and is able to submit an application to ADOT by the August 9th, 2024 deadline for \$1,394,500.
- I have reviewed the Harbor Facility Grant Program (AS 29.60.800) and see nothing in the legislation (or even legislative intent) which would disenfranchise our request in this particular situation.
- The ADOT Facility Grant Program is only strengthened by having more qualified applications for consideration.
- In November 2024, if Docks & Harbors is unsuccessful with the MARAD PIDP grant, most likely we will be submitting a \$5M ADOT Harbor Facility Grant in FY27 or FY28.

I fully understand that there is no guarantee that funding would be available for the non-federal match to construct the Aurora Harbor Drive Down Float. My request is only to be allowed to compete along with all other municipal harbors for FY26 grant opportunities.

Sincerely,


Carl Uchytel, PE

Port Director
City & Borough of Juneau

Copy: Sarah Cripe
Judy Chapman



Docks & Harbors Board

RESOLUTION

RESOLUTION NO. 2024-2

A Resolution of the City and Borough of Juneau in Support of \$500K Alaska Department of Transportation and Public Facilities Harbor Facility Grant Submission to install zinc anodes at the Don D. Statter Harbor Facility.

WHEREAS, the Alaska Department of Transportation and Public Facilities administers the Harbor Facility Grant program under AS 29.60.800 by reviewing, scoring, and ranking applicants seeking the limited state funds; and

WHEREAS, in connection with a Harbor Facility Grant application, applicant municipalities must commit to investing 100 percent of the design and permitting costs and 50 percent of the construction cost; and

WHEREAS, CBJ Docks & Harbors is committed to designing, constructing, and maintaining infrastructure under its charge in a sustainable and efficient manner commensurate with available resources; and

WHEREAS, due to fiscal limitations, the recapitalization projects at Don D. Harbor Facility were constructed without benefit of passive cathodic protection; and

WHEREAS, the addition of retrofitting existing harbor facilities with zinc anodes as corrosion protection could extend the useable life of the galvanized pilings 25 percent or more; and

WHEREAS, CBJ Docks & Harbors intends to submit an application under the Harbor Facility Grant Program and, as required by the program, will commit \$500,000 to the Don D. Statter Harbor Facility from the Harbor Fund balance.

NOW, THEREFORE, BE IT RESOLVED that the DOCKS & HARBORS BOARD strongly supports the retrofitting of existing City and Borough of Juneau harbor facilities with a corrosion protection system, and requests the Alaska Department of Transportation and Public Facilities provide matching Harbor Facility Grant funding for the Statter Harbor zinc anode project.

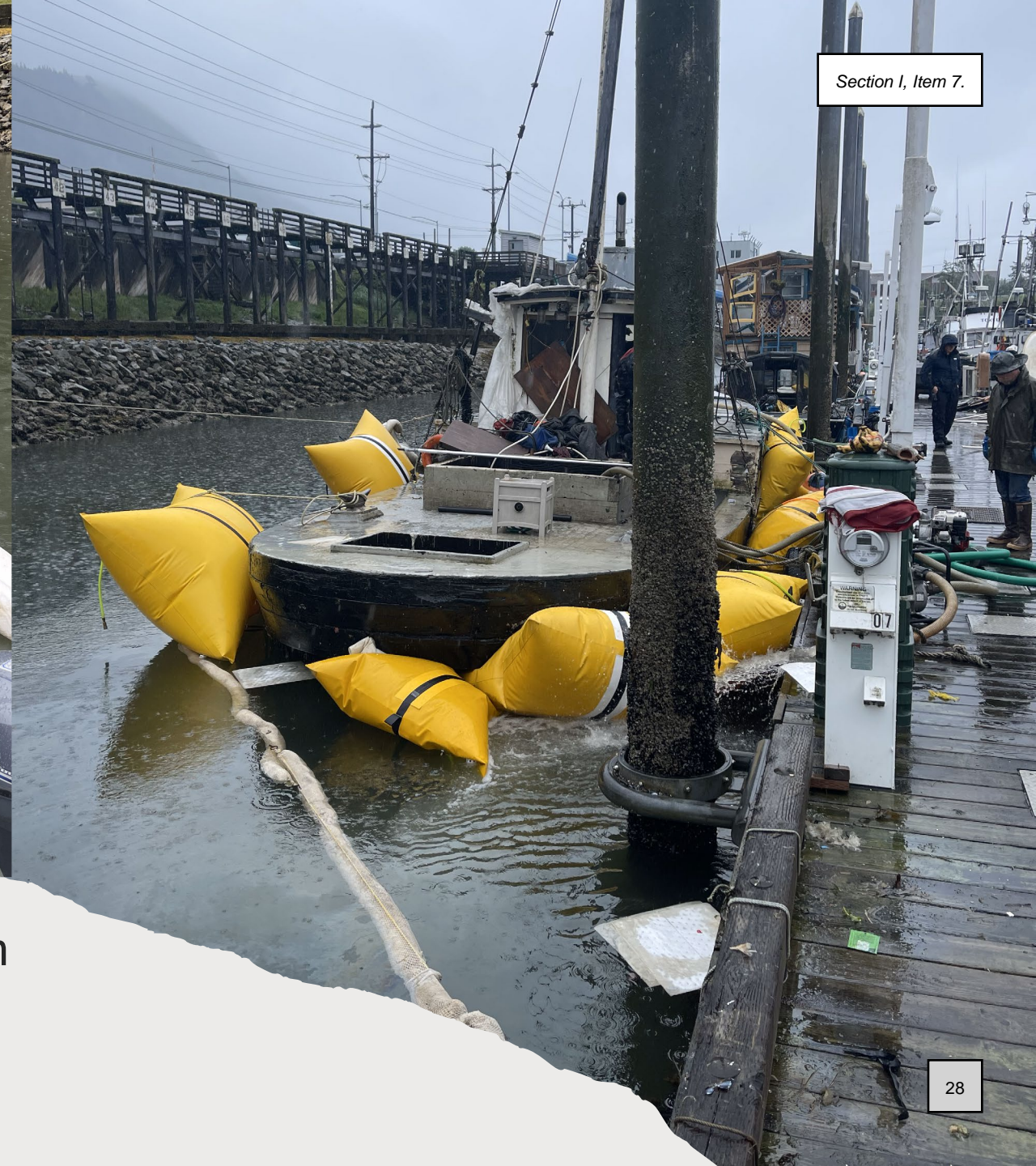
City & Borough of Juneau
Docks & Harbors Board Chair

Attested by _____
Docks & Harbors Administrative Officer
Date _____

M/V AHI

- Sank morning of July 11th
- Harris Harbor Live-aboard
- No Injuries
- USCG removed hazardous material
- Uninsured vessel
- D&H receive written permission to handle recovery & demolition
- Vessel passed sea Harris Harbor sea trial in 2023





Section I, Item 7.

Divers floated AHI on July 13th

Emergency Haul-Out on July 13th

