



DOCKS AND HARBORS BOARD MEETING AGENDA

February 29, 2024 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

<https://juneau.zoom.us/j/87649599017> or (253)215-8782 Webinar ID: 876 4959 9017 Passcode: 042510

- A. **CALL TO ORDER:** (5:00pm in City Hall Room 224 & via Zoom)
- B. **ROLL CALL:** (James Becker, Paul Grant, Debbie Hart, Matthew Leither, Mark Ridgway, 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. January 25th, 2024 Regular Board Minutes
- F. **UNFINISHED BUSINESS**
 - 2. Vessel Disposal Surcharge (VDS) - Options
Presentation by Harbormaster

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO PURSUE (1) RAISING VDS TO ACCURATELY REFLECT WHAT IT COSTS TO DISPOSE OF A VESSEL AND (2) TO REQUIRE ALL UNINSURED VESSEL TO PAY VDS EVEN IN TRANSIENT MOORAGE.
 - 3. Memorandum of Understanding (MOA) with AELP to complete Dock Electrification Design Efforts
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO APPROVED PROPOSED MOA WITH AELP TO COMPLETE ENGINEERING DESIGN EFFORTS FOR DOCK ELECTRIFICATION.
 - 4. Title 85 Proposed Changes
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TBD

G. NEW BUSINESS

H. ITEMS FOR INFORMATION/DISCUSSION

I. COMMITTEE AND MEMBER REPORTS

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

J. HARBORMASTER'S REPORT

K. PORT DIRECTOR'S REPORT

L. ASSEMBLY LIAISON REPORT

M. BOARD ADMINISTRATIVE MATTERS

- a. Ops/Planning Committee Meeting - Wednesday March 20th, 2024
- b. Board Meeting - Thursday March 28th, 2024

N. 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 REGULAR BOARD MEETING MINUTES

January 25th, 2024 at 5:00 PM

City Hall Conf. Room 224/Zoom Webinar

- A. CALL TO ORDER:** Mr. Etheridge called the meeting to order at 5:00 pm.
- B. ROLL CALL:** The following members attended in person or via zoom meeting - James Becker, Debbie Hart, Matthew Leither, Annette Smith, Mark Ridgway(arrived at 5:03 pm), and Don Etheridge.

Absent: Paul Grant, and Shem Sooter

Also in Attendance: Carl Uchtyl – Port Director, Matthew Creswell – Harbormaster, Matthew Sill – Port Engineer, Kevin Dugan – Harbor Operations Supervisor, and Teena Larson – Administrative Officer.

- C. PORT DIRECTOR REQUESTS FOR AGENDA CHANGES – No Changes**

MOTION BY MS SMITH: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion approved with no objection.

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

1. Special Order of Business

a. Katie Kachel & Dave Jansen (Consultants with Blank-Rome) – Mr. Uchtyl introduced our Federal Consultants from DC, Katie Kachel and Dave Jansen. They are our CBJ conduit to all Federal Grants, Federal Laws, and they are watching for opportunities for Docks & Harbors. When Mr. Uchtyl goes to DC, they set up meetings with the Army Corp of Engineers, NOAA Administrator, and our congressional delegation. They help us advance the mission of Docks & Harbors as well as CBJ Federal initiatives. They came for the Legislative breakfast that was held this morning. While they are here, this is a good opportunity for the Board to ask questions.

Ms. Kachel said there was a full session this morning with the Assembly. There was a lot of Docks & Harbors pending wins for some of the bills that need to go over the finish line. One bill is for the Auke Bay breakwater that would prioritize the project and expedite the study and another bill is for the funding. They just need to be passed by Congress. She commented that the Docks & Harbors projects are fun to work on.

Mr. Becker asked to explain the status on the delay of the Coast Guard icebreaker?

Mr. Jansen said the Coast Guard has acted on the right of first refusal to have the NOAA pier transferred to them and they have made it clear they intend to rebuild the facility for a capital vessel. He said we were disappointed Senator Sullivan request for funds was set aside in the fiscal year 2023 budget, but the Delegation continues to be strongly supportive in both the House and Senate appropriations for the money for the acquisition for a commercial icebreaker. The Senators have written to the Office of Management & Budget asking for an “anomaly” for funding outside of what was flat funding under a continuing resolution for that acquisition. The Commandant of the Coast Guard has testified that she supports this. We are optimistic Congress will ultimately get this done and in the fiscal year 2024 budget they will have some funding to acquire a commercially available Ice Breaker which will then have them re-engage with NOAA on the transfer of the pier and begin the capital planning process for that renovation, as well as acquire an icebreaker and move forward on getting that vessel refit to meet Coast Guard mission standards. There is still a lot to do but there is progress on moving that whole objective forward.

Mr. Uchytel said Ms. Kachel and Mr. Jansen also participated in the debrief from our application for the MARAD grant for the Aurora Harbor drive down float. He said it was very positive from the MARAD side. They recommended to improve what we can and resubmit the application at the end of April. We may need to have some amount of a local match to be more competitive.

b. Employee of the Quarter Recognition – Mr. Uchytel recognized Kevin Dugan as the Employee of the Quarter for October 2023 – December 2023 and read his award.

E. APPROVAL OF MINUTES

2. December 28th, 2023 Minutes

Hearing no objection, the minutes were approved as presented.

F. UNFINISHED BUSINESS

3. FY24 Amended and FY25/FY26 Proposed Docks & Harbors Budget -Pages six to twenty in the packet. Mr. Uchytel said on page six is the Docks budget overview. This is the budget that will be brought to the Assembly for approval. We are currently working with CBJ Finance to see if we need to do a supplemental now or after the fiscal year end. Typically, we estimate our revenues conservatively. The budget we are proposing for Docks has the new Deputy Port Operations Manager position and the additional Harbors Security Officer. On page seven in the packet is the Harbors budget overview. This shows an increase in our Debt Service fee which is provided by CBJ Finance. If these numbers at the end of the year are what we estimate, we will need to go for a supplemental. We plan to hire the additional security officer this year and that is another reason for the increase in expense.

Committee Questions

Ms. Smith asked if our debt service is a loan?

Mr. Uchytel said it is a revenue bond we are paying back.

Ms. Smith asked if it is a fixed rate interest?

Ms. Larson said these numbers are provided from CBJ Finance and I do not see any of the paperwork about the debt service. The numbers provided I add to the budget sheet. Ms. Larson said she could have someone come from CBJ Finance to talk about our debt service at another meeting.

Mr. Uchytel continued showing the fleet reserve schedule on page eight in the packet. Page nine shows what will be purchased in this current year and what we anticipate will be purchased in FY25 and FY26. Page ten shows our travel training for FY24, FY25, and FY26. Pages eleven through thirteen show Docks staffing schedules for FY24, FY25, and FY26. Pages Fourteen and Fifteen is Docks expense and revenue. Pages sixteen through eighteen is the Harbors FY24, FY25, and FY26 staffing schedules. Pages nineteen and twenty shows the Harbor expense and revenue projections. Mr. Uchytel said with this storm, Harbors could be out an additional \$50,000 to \$100,000 on vessel disposal.

Public Comment –

Mr. Clayton Hamilton, Douglas, AK

Mr. Hamilton said he talked with the Kodiak Harbor to compare our rates with a like harbor. Compared to Kodiak prices, it will be twice as expensive in the downtown harbors to their prices and about three times as expensive in Auke Bay to Kodiak prices. He asked to be conservative with our money.

Committee Discussion/Action

Mr. Ridgway said he wanted to make sure the staff has the support that is needed in terms of accounting. The budget is incredibly complex and so many of the things are a moving target, he would

like the Board to consider in the future spending maybe up to \$5,000 on additional support for the budget preparation.

Ms. Hart asked if in future budgets, there be a winter contingency in case of a winter storm event like what we are having right now, where staff is struggling to keep up. If we are not able to get help and another storm comes, we might lose more boats and fingers and she is not sure our current budget is able to capture that.

MOTION By MR. RIDGWAY: TO RECOMMEND THE BOARD ACCEPT THE FY24 AMENDED BUDGET, FY25 AND FY26 PROPOSED BUDGETS AS PRESENTED, WHICH INCLUDES A DEPUTY PORT MANAGER AND A SECOND EVENING SECURITY HARBOR OFFICER AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

G. ITEMS FOR INFORMATION/DISCUSSION

4. Harbor Snow Removal Response

Mr. Creswell showed his Facebook posts of the snow on the vessels, our crew shoveling off some vessels, a sunken vessel, a boat shelter that had to be removed, and he talked about all the challenges with the snow. He said daily Facebook alerts and SMS text were sent out.

Committee Discussion

Mr. Etheridge asked if we are charging customers for the time spent on snow removal.

Mr. Creswell said we charge when we are expending more than a few minutes. The boat on Facebook showing staff members shoveling will probably get billed out at ten staff hours.

Mr. Creswell said depending on which harbor, we had between five and seven feet of snow in eleven days. After the first storm, staff started getting a little bit ahead, and then last Sunday morning it started snowing again and the snow event just kept getting worse and worse. He talked to the weather service, and they are expecting Juneau to get four to six inches of rain on top of all this snow. Staff has been doing great and he has not heard any complaints. We have some staff that have only had one day off in over 20 days, and they are still happy to come to work. We brought back Part Time Limited staff, Summertime Seasonal Benefitted Staff, and we utilized some of the Protected Species Observers because the construction project was not driving piles this week. All able body staff have been on a snowblower on the docks, and there is still a ton of snow to remove. He said staff have been running the snow blowers so hard we were down to three, but we are now back up to eight. Staff has gone to shoveling fingers in some places. We will now start widening the areas on the docks and then get back on removing the snow from the fingers.

Ms. Smith asked if there is anyway in an emergency like this you can hire staff quickly? There are a lot of people out there doing shoveling.

Mr. Creswell said there may be. We are fortunate we have a large summertime staff, and we were able to bring back as many people as we had equipment for. He said he could use a couple more people for shoveling. He said Mr. Uchtyl reached out to the football team and the hockey team to see if they could come shovel, but we did not get any traction with that idea. He said everyone in town needs the same thing we need right now. If we don't get any more snow, the work is a clean-up effort.

Ms. Hart asked when you are in a situation that a boat has sunk and still tied to the dock pulling on the finger that has a lot of snow, should the snow from the finger be thrown in the contaminated water?

Mr. Creswell said in that situation to shovel the finger is fine. There were three boats that sank in a matter of three hours yesterday, so it was all bad really fast. He said staff is working hard to make sure

that our facility is safe and right now our infrastructure is holding up fine. He said it is fine to shovel the finger and put the snow in the contaminated water. The Coast Guard is going around and putting booms out. He has been given authorization from the State to put the piles of snow in the water which is usually not allowed. He rented a large loader from Karl Leis with a five-yard snow bucket on it and we will keep that until the middle of next week so we can get caught up. Staff is working to open the entrances wider onto Egan because it is very dangerous with the large piles of snow not being able to see. He plans to get back over to Douglas to remove more snow tomorrow. He said this is day thirteen of this snow event and there have been nine vessels that sank. There were about three dozen other boats saved during the course of this storm. Admin staff have been calling boat owners when notified by the Harbor Officers. During the first storm event, we had three vessels sink in Aurora Harbor, 28' Zoe, 22' C Tiger, and 48' Alaskan Dream. In the most recent storm was the, 28' Island Star in Harris Harbor, 37' Skagit Chief in Aurora Harbor, 42' Kiona in a boat shelter, 38' Carol W. in Statter Harbor, 46' Peggy Sue in Statter Harbor, and Flower, a small sailboat in Douglas. Anytime a boat sinks, we check for safety of life and property, then we notify the national response center for all pollution and casualty events to file a report. That report is then sent out to Coast Guard Sector SE, DEC, and the Coast Guard investigative services. We call the local Coast Guard and let them know they are about to get a report and they head down to the Harbor. They can see on their phone when the report comes in. DEC comes down a couple hours later to determine pollution threat. Staff calls the owner to find out if the vessel is insured. If the vessel is insured, the owner contacts their insurance and they work with a marine salvage. Not all vessels have insurance, and this has not been the normal. Several of the boats that have sunk during this last storm have been federalized and the oil spill liability trust fund is being opened. That allows the Coast Guard to pay a salvage company to remove the pollutants from a vessel. When a vessel is underwater, it is much easier to raise the vessel first and then remove the pollutants. Anything past that point is on the owner and if we must deal with it, we go after the owner. Currently the Coast Guard has contracted with three different salvage companies, Melino's Marine Salvage, Hansen Marine out of Petersburg, and Global Diving. All three companies will start raising vessels tomorrow. Staff met with the Coast Guard today for a plan and the boat disposal becomes his concern because it does come out of our budget. It looks like right now; we could be paying disposal for six of the vessels, but he does not have an estimate. The larger boat in Statter is a big concern and if he can find a boat hauler to haul the boat out and put it in our launch ramp parking lot, we may dispose of it there. He does not feel we are out of the woods yet with 39" of snow and four to six inches of rain coming. Another thing of concern is the warmup after a prolonged cold spell. Frozen vessels expand, which causes holes and fast sinking vessels. Staff is watching everything very closely.

Mr. Leither asked how many of these boats that sank are derelict? He knows the boats have to do a seaworthy test, but he sees some boats that have not moved in years.

Mr. Creswell said most of the boats that sank are in Aurora Harbor. He reported in past meeting of going through the harbors and requiring sea trials. Staff started doing seaworthy tests in Douglas in 2022, he went to Harris in 2023, and this year he was going to do Aurora boats. This is a great example of why we make vessels have to move as prescribed in our regulation because it will be less likely to have problems like this.

Mr. Ridgway asked what the fixed cost is with our term contractor Trucano Construction for the boat demolition? Is there a chance we could do something different with these boats?

Mr. Creswell said at least two of the vessels will have to go to Trucano under our Term Contract. The smaller ones, if we can get them on trailers, and dispose of them by other means is much cheaper. Our Term Contract with Trucano is broken down into two categories with set prices, vessels 20 to 28 feet and 28 to 38 feet. If we go over our Term Contract Boat length, Trucano will give us a quote. The last

couple boats taken to Trucano were well over the 38 feet and he believes they were fair prices. We do save a lot of money if we do not have to get a boat taken out by Trucano.

Mr. Ridgway asked what we paid for the last boats; he thought it was about \$30K. He just wants to know what to expect.

Mr. Uchytel said that expense was for the ferro-cement boat, and it was around \$20K just in dump fees. Including the other disposal fees, it ended up being \$30K.

Mr. Creswell said he does not know what these will cost. We pay the demolition fee and the dump fees separately.

Mr. Dugan said the Northern Star disposal cost was \$10.5K.

Mr. Leither commented that he did not think insurance would cover a vessel that sank because it was not shoveled off.

Mr. Creswell said he did not know.

Mr. Etheridge said there are some policies that would classify that as neglect.

Mr. Creswell said two weeks ago we issued 10 day pre-impound letter to seven vessels. These were issued after 120 days past due when impounding for lack of payment. This gives them notification that they have ten days to pay their moorage before it is impounded. Only four have requested a hearing with Mr. Robert Barr. The impound date was Tuesday and we will end up impounding three of the seven hopefully tomorrow. One of the four is the Carol W that sank and because we had not taken possession, it is still the owners responsibility. Their impound was stayed until February 5th. After a boat is impounded, they have 30 days to pay their fees. During the 30 days, we advertise the vessel for sale which is required to do ten days before the sale. At the end of the 30 days, there is a sealed bid auction. If it doesn't sell at the auction, then we put it on Public Surplus.

Ms. Smith said that it bothers her that the responsible Harbor patrons are paying for the boat recovery and disposal. The Board talked about the Vessel Disposal Fee in the past and we know it does not cover these costs. She asked what should the Board be doing to prevent this or mitigate this?

Mr. Creswell said in December he presented to the Operations Committee the Vessel Disposal Fees and options on what the Board could do.

Mr. Etheridge asked to have the VDS presentation sent out to the Board members for their review and add it to the next Operations Meeting in February.

Mr. Ridgway commented that he would like to look at the required vessel sea trial because he believes that is what works to prevent the derelict boats. He asked Mr. Creswell to come back in February with suggestions.

Mr. Uchytel said we are not at the point that we are not going to get paid. We are billing all these boat owners. It is easy to bill out, but hard to get paid.

Mr. Leither said in general, a lot of the boats are aging. Are there any resources or programs to dispose of a boat for people who have a boat that is no longer any good?

Mr. Creswell said Alaska is not alone with the derelict boat problem. It is more expensive to dispose of boats in Alaska, but it is everywhere. There are Veteran programs that remove boats, but we do not have that in Alaska. It is a constant battle for staff to stay on top of the boats that are selling for a dollar.

Mr. Etheridge said one of the reasons people keep paying their moorage is because it is cheaper to do that than it is to get rid of your boat.

Mr. Ridgway commented with this growing problem of derelict boats, some group should address a Congressional Delegation and let them know this is an issue.

Mr. Jansen said about five or six years ago, congress did pass legislation for the Marine Debris Act which was to provide some support for abandoned and derelict vessels. This was particularly for those vessels that created a navigational hazard. There was not a lot of money devoted to this, but this program does provide some assistance and they are trying to build this program up. The Alaska Delegation could look into this further to maybe increase appropriations for the Marine Debris Program which Senator Murkowski and Senator Sullivan have been very supportive of.

Mr. Etheridge said that program would have to be changed considerably for Docks & Harbors to be able to use it. We do not have anything close to qualifying in that program.

Ms. Smith commented that for a vehicle, when you pay for your registration, a portion of those funds are to be used for disposal of vehicles. Should we try to get a portion of the boat registration for disposal of boats?

Mr. Uchytel said working with Alaska Association of Harbormasters and Port Administrators, requiring a title for a vessel was a huge undertaking. There was a lot of Legislative blow back for a \$24 title fee for vessels under 24 feet. He does not see a big appetite in State Legislature for any additional fees for purposes of vessel disposal.

Ms. Smith said she must title her boat and register and pay for her boat sticker.

Mr. Etheridge said getting money from boat registration for boat disposal would need to be passed through Legislation and he does not see a will to do that.

Ms. Hart commented that we are not the only community in Alaska struggling with this and maybe we could be working with our Legislatures and Delegation to try to get some additional support. She does not see the Governor declaring a state of emergency for Juneau, but we do need some help. She would like this raised to a higher level for additional support.

Mr. Etheridge said this has been a statewide issue for years. He does not believe he will see additional support anytime soon.

Ms. Adkison said this could be brought to the Legislation but because they are already a couple weeks in, she is doubtful anything would happen this legislature.

Mr. Uchytel said in Juneau, we have it pretty good. There are other Harbor communities within the state that are worse off. If we pushed derelict vessel removal for the state, there is millions of dollars of need for all abandoned vessels.

Ms. Larson showed the term contract amounts for derelict vessel disposal. For 20' to 28' vessels, \$5,000, and 28' to 38' vessels, \$6,000.

Public Comment – None

Mr. Etheridge said this topic will be on the next Operations meeting for further discussion.

5. Cruise Ship Dock Electrification – Next Steps

Mr. Uchytel said on page 21 in the packet is a draft MOA prepared by CBJ Law Emily Wright. Over the

past year, he and Port Engineer Matthew Sill have been working with AEL&P to craft a plan for dock electrification. We do have money in a CIP for dock electrification that would allow us to pursue an Engineering Consultant hired by AEL&P. This is provided for your attention, because in February we will have more of a firm agreement with AEL&P. This MOA is a \$1.8M pass through AEL&P to hire a consultant to do the evaluation for electrical design to bring shore power to our two City owned docks. There is no Assembly approval requirement. When this is approved by this Board, we can advance this fund transfer.

Committee Discussion

Ms. Smith asked, when the Docks are electrified, and the cruise ships hook up to this power, will they be paying AEL&P? If so, is there anything in the MOA that requires them to start paying back the \$1.8M?

Mr. Uchtyl said the \$1.8M came from Marine Passenger Fees. There are a lot of details that still need to be worked out. Mr. Uchtyl is suggesting to maybe add a hook up fee because we cannot charge for the power. There may be ways to recoup our investment.

Public Comment - None

H. STAFF, COMMITTEE AND MEMBER REPORTS

Operations-Planning Committee Meeting Report

Mr. Ridgway reported the Committee heard the storm update by the Harbormaster, and the budget that was forwarded onto the Board tonight.

Assembly Lands Committee Liaison Report – Mr. Becker said he did not attend the last meeting.

South Douglas/West Juneau Liaison Report – No Report

Member Reports – No reports

I. PORT ENGINEER'S REPORT -

Mr. Sill reported -

- Facilities - One of his tasks during this last snow event was to go to the different facilities and address technical issues related to the snow load and make sure the infrastructure was not in danger.
- Statter Harbor – staff is authorizing Carver Construction to redo the floors of both our old restroom at the Harbormasters office and the floor of our new restroom with a durable thick epoxy floor non-slip coating. The quote is for \$22K for the old restroom and \$31K for the new restroom.
- Statter New Restroom close out- He said he has one more final payment for Dawson Construction. Other than a few warranty items, the restroom itself is complete.
- Aurora Harbor Phase III – Trucano Construction has been struggling with the same snow everyone else has been. They paused for the last couple weeks and have sent in a request for a seven-day extension to the contract completion. Staff has that under advisement and that will be negotiated at the end. Staff also gave them leave to pause and go help with the sunken vessels and collapsed boat shelters. That is what they were doing today. They have been making really good progress and he does not have concern on what that does to the schedule. Before the snow hit, they were halfway complete with the physical float installation. It will only take a couple weeks to install the remainder of the floats. After the float installation is complete, there will be a couple months of electrical and water utility installation. We do have all the float modules in town, but some are stuck at AML.
- Aurora Harbor Phase IV – R&M has prepared a draft bid application and Mr. Sill has been rewriting portions of it to reflect what we want to submit.
- Douglas Harbor safety lighting project – All of the components are in town and Chatham Electrical is ready to install after staff can remove the snow around the light pole bases.

- Harris Harbor Security Gate – The fabrication of the aluminum components will be complete this week and the gate will ship out. Staff is still looking at Carver Construction installing the gate in early February.
- Wayside Park – PND did an evaluation of the float and a cost estimate for dredging that came back over \$2M. Staff asked PND to look at what we could get done within our budget. We met today with a dramatically reduced scope, they are now preparing cost proposals for us to do design and permitting work with a reduced scope. This will essentially just be dredging under the float and not take the float out to do any repairs. With this change, we will be able to get close to our budget of \$750K.
- Downtown work – We are working with Carver Construction to replace an expansion joint at the Brickyard and widen the entrance at the Columbia Lot.
- DNR Tidelands – Staff has received the DNR review for the two parcels adjacent to DIPAC. Those comments go to our consultant, they make corrections, one last review by CDD, and then they are signed. We are finally making progress on this transfer process that started in 2005.

Mr. Ridgway asked if there were defects in the new restroom at Statter Harbor that we need the Epoxy coating on and is the new security gate open by sliding to one side?

Mr. Sill said regarding the restroom floor, in the design we asked for a bare concrete floor. It became quickly apparent that was too much to maintain and we needed some kind of coating.

Mr. Sill said regarding the security gate, it is a swing gate but the bottom 6" portion of the door is bars/pickets. If we have another snow event like we just experienced, we may just leave the gate open until the weather clears.

J. HARBORMASTER'S REPORT

Mr. Creswell reported -

- We hired Mr. Brian Haight as our Harbor Security Officer who is exceptionally qualified with over ten years as a police officer and eight years as a Marine providing Embassy security. He will start February 13th. Now that the Board approved the budget, we will most likely make an offer to our number two candidate to fill that second position. Staff is working on a schedule for these positions.
- He is heading out of town Sunday night and will return Friday. Mr. Jeremy Norbryhn will be acting Harbormaster until Thursday and he will take back Harbormaster at that time.

K. PORT DIRECTOR'S REPORT

Mr. Uchytel reported –

- There was an appeal for the Huna-Totem Dock yesterday, it was Ms. Karla Hart against CBJ Planning Commission. He said he listened to the appeal. The hearing officer took the information and will render a verdict at an appropriate time. Ms. Hart's appeal was based on insufficient consideration for air pollution. This is relatively a high bar to get overturned.
- He will be going on vacation starting this weekend until February 14th.

L. ASSEMBLY LIAISON REPORT

Ms. Adkison reported -

- The Assembly is looking at the draft Capital Priorities List. All Assembly members sent in their own list and from those lists came a list compiled using a specific method she is not aware of. The list will be reviewed at their next meeting and Assembly members will decide if anything needs to be changed. The Aurora Harbor rebuild is at priority 12 out of 21, the Auke Bay new Breakwater is at 18, and the North Douglas Boat Ramp is at 20. If anyone would like changes, they are welcome to reach out to her or members of the Assembly, but she is not sure what changes will happen.

M. BOARD ADMINISTRATIVE MATTERS

Next Operations Committee Meeting – Wednesday February 21st, 2024

Next Regular Board Meeting – Thursday February 29th, 2024

N. ADJOURNMENT – The meeting adjourned at 6:34pm

VESSEL DISPOSAL SURCHARGE AND VESSEL DISPOSAL COSTS



VDS EXPLAINED: 05 CBJAC 40.010

- ▶ (g) *Vessel salvage and disposal.*
 - ▶ (1) Prior to obtaining a moorage assignment pursuant to 05 CBJAC [40.035](#), 050, 055, or 065, the owner of a vessel must
 - ▶ (i) provide the Harbormaster with proof of current marine insurance showing, at a minimum, the owner's name, information identifying the vessel, and the dates of insurance coverage; or
 - ▶ (ii) pay a non-refundable moorage surcharge \$0.31 (2024) per foot per month.
 - ▶ (2) The funds collected from the moorage surcharge under this regulation will be used to pay for the unrecoverable costs attributable to vessel salvage and disposal activities in the small boat harbors.
 - ▶ (3) This regulation does not relieve an owner from the responsibility to pay fees as set out in CBJ Ordinance [Title 85](#) or regulations adopted thereunder, and does not constitute marine insurance.
- ▶ **NOTE: This charge is only applied to stall holders, not transient vessels**

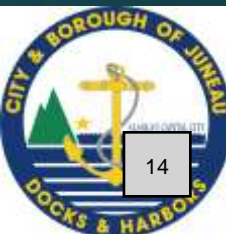


VDS COLLECTED:

- ▶ FY21: \$16,478.56
- ▶ FY22: \$17,847.67
- ▶ FY23: \$20,764.17
- ▶ FY24: \$6,366.27 (FYTD 12.04.23)

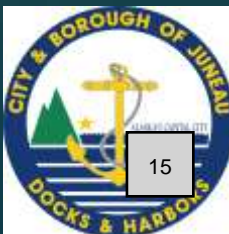
- ▶ Total over past 41 Months: \$ 61,456.67

- ▶ Amount spent disposing of four vessels in the past six months: \$81,652.02



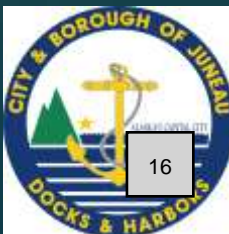
WHERE DID THEY COME FROM?

- ▶ NORTHERN STAR- Statter Harbor Transient, Live Aboard, Uninsured
- ▶ HALANA- Statter Harbor Transient, Live Aboard, Uninsured
- ▶ AWNRE- Downtown Harbors Transient, Live Aboard, Uninsured
- ▶ HARMONY- Downtown Harbors, Stall Holder, Uninsured
- ▶ **Only one of these four vessels was paying VDS. (HARMONY)**



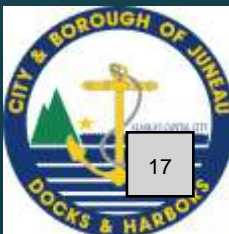
LIVEABOARDS IN TRANSIENT MOORAGE:

- ▶ It is the desire of the Docks and Harbors staff to limit liveaboard moorage to assigned stalls only.
- ▶ This will allow the tenant to have power in their own name as well as subject the vessel to insurance requirements/VDS charges.
- ▶ If the vessel is too large for available stalls, the Harbormaster will have to authorize the vessel to be used as a liveaboard in transient moorage.
- ▶ Current liveaboard vessels in transient moorage would be grandfathered and would only lose their status if the vessel changed hands or the individual moved off the vessel.



OPTIONS:

- ▶ Raise VDS to accurately reflect what it costs to dispose of a vessel.
- ▶ Require all uninsured vessels to pay VDS even if in transient moorage.
- ▶ Require uninsured vessels to pay daily rate.
- ▶ Limit/prohibit live aboard vessels in transient moorage.
- ▶ Assess VDS to all vessels, similar to fuel surcharges on shipping orders.
- ▶ Require all vessels to be insured.



MEMORANDUM OF AGREEMENT



This is a Memorandum of Agreement (“MOA”) between the City & Borough of Juneau (“CBJ”) a municipal corporation of the State of Alaska, and Alaska Electric Light & Power Company (“AELP”) an Alaska corporation (Entity No. 41141D) licensed to do business in the State of Alaska. CBJ will provide AELP with one million, five-hundred ninety thousand dollars (\$1,590,000) in grant funding for the Port of Juneau Shore Power Expansion Engineering Design Services of H3 Engineering Solutions, hereafter “Project.” The grant award covers the period February 1, 2024, through July 1, 2027.

Source of Funding

CBJ funding for this Project is CIP H51-128, Dock Electrification.

Scope of the Project

CBJ will provide AELP with one-time grant funds in the amount of \$1,590,000 to contract with H3 Engineering Solutions to perform the design services and achieve the design objectives as stated in Attachment 1, November 26, 2023, Engineering Design Services Proposal. AELP is designated as the Project Lead and will be responsible for:

- Contracting with H3 for design services;
- Monitoring and ensuring execution of required design services; and
- Coordinating the design progress with the CBJ and obtaining concurrence prior to closing any phase of the design.

Grantor/Grantee Communications & Contacts

The following addresses will be used for all written communications:

City & Borough of Juneau
Carl Uchytel, P.E., Port Director
Docks & Harbors Department
76 Egan Drive
Juneau, Alaska 99801
907-586-0924
carl.uchytel@juneau.org

Alaska Electric Light & Power, Inc.
Darrel Weatherall, VP, Transmission and
Distribution
5601 Tonsgard Court
Juneau, Alaska 99801
907-780-2222
darrell.wetherall@aelp.com

Grant Award Fund Distribution

AELP will submit progress reports and invoices to CBJ as it incurs costs associated with the Project. Progress reports will include information related to Project milestones such as the status of design, procurement, schedule, and construction. CBJ will reimburse AELP within thirty (30) days of receipt of each detailed invoice.

AELP will submit all invoices for expenses incurred during each fiscal year (which begins July 1 and ends June 30) no later than July 15 following the end of any given fiscal year to ensure timely payment and accounting.

Grant Fund Management & Controls

CBJ is contributing these funds for a community purpose project. It is important to CBJ that adequate controls exist to safeguard these funds. In providing these controls, AELP agrees to maintain accounting and management systems that provide reasonable safeguards and reporting reliability.

Activity Reports

Within 90 days after the end of the grant period on October 1, 2027, AELP will provide CBJ with the following reports:

- A final accounting of the disbursement or obligation funded with the CBJ grant; and
- A final report on the success of the Project.

Changes

AELP and CBJ, without invalidating this MOA, may agree to changes to the scope of work, term, or grant amount. All such changes shall be limited to specific terms authorized by written agreement signed by AELP and CBJ, and the remaining terms of this MOA will remain in full force and effect.

Compliance with Laws & Regulations

AELP shall, at AELP's sole cost and expense, comply with all applicable requirements of federal, state, and local laws, ordinances, and regulations now in force, including safety, environmental, immigration, and security enactments, or which may be subsequently enacted. AELP warrants that it has obtained and is in full compliance with all required licenses, permits, and registrations regulating the conduct of business within the State of Alaska and CBJ, and shall maintain such compliance during the effective term of this MOA.

Conflict of Interest

AELP represents that it has not solicited or received any prohibited action, favor, or benefit from any employee or officer of CBJ and warrants that it will not do so as a condition of this MOA. If AELP is offered any prohibited action, favor, or benefit from any employee or officer of CBJ, AELP shall without delay inform the CBJ Municipal Attorney and CBJ's representative for this MOA.

Equal Employment Opportunity

As a condition of receiving funds under this MOA, AELP will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, and marital status, changes in marital status, pregnancy or parenthood. AELP shall include these provisions in any agreement relating to the work performed under this MOA with contractors or subcontractors.

Indemnification

AELP agrees to defend, indemnify, and hold harmless CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to AELP's

performance or activities pursuant to this MOA, without limitation as to the amount of fees, and without limitation as to any damages, cost or expense resulting from settlement, judgment, or verdict, and includes the award of any attorneys' fees even if in excess of Alaska Civil Rule 82. This indemnification agreement applies to the fullest extent permitted by law and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against CBJ relating to AELP's performance or activities pursuant to this MOA. The obligations of AELP arise immediately upon actual or constructive notice of any action, claim, or lawsuit. CBJ shall notify AELP in a timely manner of the need for indemnification, but such notice is not a condition precedent to AELP's obligations and is waived where AELP has actual notice.

Prohibition on Lobbying

No part of any funds paid under this grant shall be used for the purpose of any lobbying activities before the Alaska State Legislature or the City & Borough of Juneau Assembly.

Public Records

AELP acknowledges and understands that CBJ is subject to CBJ Code 01.70.010 (Public Records) and to the Alaska Public Records Act (AS 40.25.120) and that all documents received, owned, or controlled by CBJ in relation to this MOA must be made available for the public to inspect upon request, unless an exception applies. It is AELP's sole responsibility to clearly identify any documents AELP believes are exempt from disclosure under the Public Records Act by clearly marking such documents "Confidential." Should CBJ receive a request for records under CBJ Code or the Alaska Public Records Act applicable to any document marked "Confidential" by AELP, CBJ will notify AELP as soon as practicable prior to making any disclosure. AELP acknowledges it has five (5) calendar days after receipt of notice to notify CBJ of its objection to any disclosure, and to file any action in the Superior Court for the State of Alaska at Juneau as AELP deems necessary in order to protect its interests. Should AELP fail to notify CBJ of its objection or to file suit, AELP shall hold CBJ harmless for any damages incurred by AELP as a result of CBJ disclosing any of AELP's documents in CBJ's possession. Additionally, AELP may not promise confidentiality to any third party on behalf of CBJ, without first obtaining express written approval by CBJ.

Insurance

Commercial General Liability Insurance. AELP must maintain Commercial General Liability Insurance in an amount it deems reasonably sufficient to cover any suit that may be brought against AELP. This amount must be at least one million dollars (\$1,000,000) per occurrence, and three million dollars (\$3,000,000) aggregate. **CBJ shall be named additional insured for this policy for liabilities related to AELP's performance or activities pursuant to this MOA. **Policy Endorsement Required****

Comprehensive Automobile Liability Insurance. The coverage shall include all owned, hired, and non-owned vehicles to a one million dollar (\$1,000,000) combined single limit coverage. **CBJ shall be named additional insured for this policy for liabilities related to AELP's performance or activities pursuant to this MOA.**

Workers Compensation Insurance. If required by Alaska Statute (see Alaska Statute 23.30), AELP must maintain Workers Compensation Insurance to protect AELP from any claims or damages for any bodily or personal injury or death which may arise from services performed under this contract. This requirement applies to AELP, AELP's subcontractors and assignees, and anyone directly or indirectly employed to perform work under this contract. AELP must notify

the City as well as the State Division of Workers Compensation immediately when changes in AELP’s business operation affect AELP’s insurance status. Statutory limits apply to Workers Compensation Insurance. The policy must include employer’s liability coverage of one million dollars (\$1,000,000) per injury and illness, and one million dollars (\$1,000,000) aggregate. AELP also agrees to provide evidence of Longshore and Harbor Worker’s Insurance and Jones Act coverage if applicable to the work required. **If AELP is exempt from Alaska statutory Requirements, AELP will provide written confirmation of this status in order for CBJ to waive this requirement. The policy shall be endorsed to waive subrogation rights against the CBJ. **Policy Endorsement Required****

Safety

AELP will comply with applicable federal, state and local laws and regulations and will retain responsibility for its own compliance and that of its contractors or other designated third party agents, with all applicable federal, state, and local laws and regulations, including without limitation applicable occupational health and safety laws. AELP shall be solely liable for, and shall independently undertake to defend any and all unfair labor practice charges, grievances, judicial action, or other employee or union claims, as well as general liability and personal liability, related in any way to AELP’s performance pursuant to this grant. AELP agrees to comply with all federal, state, and local procedures and restrictions related to COVID mitigation. AELP acknowledges that these procedures and restrictions may change after the effective date of this MOA, and agrees to comply with the procedures following any such changes.

Term of Grant

The effective date of this agreement shall be the date it is signed by CBJ. This grant is limited to the funding amounts and term stated herein and does not constitute a promise or guarantee of any future grant funding by CBJ.

Alec Mesdag, President and CEO
AELP

Date

Carl Uchytel, P.E., Port Director
City & Borough of Juneau

Date



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Deputy Mayor Hale and CBJ Borough Assembly
FROM: Katie Koester, City Manager
DATE: February 21, 2024
RE: Changes to Title 3 (Administration) and Title 85 (Docks and Harbors)

The purpose of the draft legislation presented to you today is to clarify the roles and responsibilities of the Tourism Manager and the Docks and Harbors Board. It is a follow-up to the 12.18.23 Joint Docks and Harbors and Assembly meeting where this topic was discussed.

History

The growth of Tourism in Juneau created the need to manage the impacts of tourism across the community. In 2021 the Assembly approved a Tourism Manager position in the Manager's office to do just that through improvements in infrastructure, negotiation with industry and understanding the landscape of the visitor industry and how Juneau citizens interact with it.

The new role has created confusion in duties and responsibilities where tourism interacts with port infrastructure, recreational land, and housing. This has been experienced most acutely within Docks and Harbors where there is conflict in the mission of the enterprise to maximize revenue and be self-sustaining and the desire of the community to control, and sometimes limit, growth. The work Eaglecrest is doing with the gondola also has a clear tourism nexus. In the future other enterprise boards could have projects that have a disproportionate impact on the visitor industry and need to be managed through that lens.

Changes to Title 3

The attached draft ordinance amending Title 3, Administration, to establish the Tourism Office and their corresponding duties allows the manager to assign the Tourism Manager as the project manager or co-project manager for projects with a substantial relationship to cruise-ship related tourism.

Changes to Title 85

City Manager Watt spent the last year of his tenure working on aligning roles and responsibilities of the Tourism Manager, who is under the City Manager, and the Docks Enterprise, currently under the Port Director.

The changes presented to you in the marked-up draft of "Title 85 Waters and Harbors" were drafted by Manager Watt and were presented to the Docks and Harbors board in August and September of 2023. The proposed changes are explicit about what the Docks and Harbor board is not responsible for (rate setting, scheduling or policy issues, and issues related to the interface between industry and citizens of Juneau, including the impact of tours). It also states that the Port Director will take direction from the City Manager as it relates to cruise ship tourism. This, in conjunction with proposed changes to Title 3, make it very clear that the Manager's office, through the Tourism Manager, has direct control and influence over all things related to cruise tourism. This change will help advance the goals of the Visitor Industry Task Force (VITF) and provide a more direct route for Assembly influence on tourism related projects.

The Docks and Harbor Board discussed a response to the City Manager's proposal at their October 26, and November 15, 2023 board meetings. The most recent version of their draft comments are included in the packet. They are addressed to the City Manager and were not formally adopted by the board. The draft Board comments take issue with the proposed language as unnecessary and drafted in the negative.

While the Board bring up good points, the purpose of this legislation is to clarify roles and responsibilities in which case the more direct and explicit the language is, the easier it will be for current and future bodies to correctly interpret the Assembly's intent.

At the 12.18.2023 Joint Docks and Harbors and Assembly meeting, the Assembly discussed limiting Dock & Harbors to running operations, staffing and facilities; the Assembly wanted to have control of broad range community planning and managing the impacts of tourism as it relates to Docks and Harbors. In summary, the policy of Docks and how they are used is the purview of the Assembly.

Recommendation:

Title 3, Administration

Direct Assembly Liaisons to bring the proposed changes to their respective empowered boards for feedback. Move to introduce ordinance making changes to Title 3 at April 1st Regular Assembly meeting to give Liaisons time to collect relevant feedback.

Title 85, Docks and Harbors

Give staff feedback on Manager Watt's proposed changes. Direct staff to introduce an Ordinance concurrent with changes to Title 3.

Enc:

Draft ordinance amending Title 3

Title 85 Proposed Changes Watt

Title 85 clarification (from Docks and Harbors Board)

TITLE 85 WATERS AND HARBORS¹

Chapter 85.02 DOCKS AND HARBORS BOARD²

85.02.060 General powers.

- (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:
- (1) Be responsible for the operation, development and marketing of municipally owned and operated ~~port and~~ harbors, including such facilities as boat harbors, ~~docks, ferry terminals,~~ boat launching ramps, and related facilities except as designated by the assembly by resolution. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.
 - (2) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
 - (3) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
 - (4) (A) Within the docks and harbors appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.
(B) The Docks and Harbors Department shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City and Borough Human Resources and Risk Management

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

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

²Charter reference(s)—Docks and harbors board, § 3.21.

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

Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the manager.

- (5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the assembly, subject to the following limitations:
 - (A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands, housing, and economic development committee and approval by the assembly.
 - (B) Unless otherwise designated in advance by the assembly, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
 - (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan.
 - (i) Land shall be leased as provided in title 53, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
 - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by title 53 of the manager may be performed by the port director.
- (6) Shall administer the design and construction of all capital improvements on lands managed by the docks and harbors board unless otherwise specified by the assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests shall be subject to prioritization by the assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.
- (7) (A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney, and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.
- (B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the manager or the purchasing officer shall be performed by the port director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the docks and harbors board and thereafter to the superior court.
- (C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.
- (b) *Private dock reservations.* The docks and harbors board is authorized to execute a reservation agreement for private docks with the following essential terms:
 - (1) *Scope.* The docks and harbors department may manage reservations, including moorage services, for any privately owned docks within the City and Borough of Juneau.

- (2) *Priority.* Docks and harbors shall prioritize reservations at municipally owned facilities.
- (3) *Compensation.* Docks and harbors shall receive fair market value for its services, which shall be determined by the docks and harbors port director.
- (4) *Liability.* The City and Borough of Juneau is not assuming control, maintenance, or responsibility of any of private property, including, but not limited to, vessels using a private dock or private docks and associated facilities. The City and Borough of Juneau is not responsible for the inability to make a reservation, reservation disruptions, reservation changes, market fluctuations, or vessel relocations.
- (5) *Public records.* All records received by the docks and harbors department related to public-private agreements are public records and subject to the Alaska Public Records Act and CBJC 01.70.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2006-06, § 4, 4-3-2006; Serial No. 2013-29, § 5, 1-6-2014, eff. 2-5-2014 ; Serial No. 2019-19, § 5, 7-22-2019, eff. 8-22-2019 ; Serial No. 2022-02, § 2, 2-7-2022, eff. 3-10-2022; Serial No. 2022-48(b) , § 3, 1-30-2023, eff. 3-2-2023)

~~85.02.065 Limitation on authority.~~

~~The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.~~

~~(Serial No. 2004-03b, § 2, 3-9-2004)~~

85.02.080 Port director designated; appointment.

The chief executive officer of the municipal port and harbors shall be the port director appointed by the City and Borough Docks and Harbors Board only upon the affirmative vote of a majority of the entire board. The port director serves at the pleasure of the board. For purposes of Chapter 44.05, the port director shall have the status of a department director. The board shall establish the compensation and benefits to be provided to the port director. Personnel actions regarding the port director, including hiring, evaluation, discipline, and termination, shall be after consultation with the city manager.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-32(b), § 5, 10-10-2005)

85.02.090 Duties and responsibilities of port director.

- (a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:
 - (1) To be responsible for carrying out all applicable laws, ordinances, rules and regulations.
 - (2) To be responsible for carrying out policies established by the board of directors.
 - (3) In consultation with the City and Borough Personnel Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors department to the docks and harbors board for approval.
 - (4) To prepare an annual budget as required by City and Borough ordinance.

- (5) To select, employ, control and discharge all port and harbor employees and such other employees as the assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
- (6) To prepare such reports as may be required on any phase of harbor activity.
- (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
- (8) To perform any other duty that may be necessary in the interest of the port and harbor area.
- (9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060 A (1), the Port Director shall take direction from the City Manager.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.100 Schedule of fees and charges.

- (a) The board shall, by regulations adopted pursuant to CBJ 01.60, impose a schedule of fees and charges for use of ports and harbors, and facilities designated by the assembly by resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

Chapter 85.05 DEFINITIONS

85.05.010 Definitions.

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

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

Assembly means the assembly of the City and Borough.

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

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

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

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

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

Derelict means any boat moored or otherwise located in the boundaries of the Juneau boat harbor facilities which is forsaken, abandoned, deserted or cast away, or which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound,

unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

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

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

Float means a nonfixed pier.

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

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

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

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

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

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

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

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

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

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

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

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Presented by: The Manager
Presented:
Drafted by: Emily Wright

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2024-XX

An Ordinance Establishing Duties for the Tourism Office.

WHEREAS, the Assembly initially funded a tourism manager position with Ordinance 2021-08(b)(am)(C) (adopted Aug. 23, 2021);

WHEREAS, the City Manager has broad authority over departments like the Parks & Recreation Department and Library Department, which provide many facilities and services to tourists;

WHEREAS, the Eaglecrest Ski Area enterprise department is developing summer operation plans that include a gondola dependent on cruise ship tourism, for which the City Manager has limited authority over without this ordinance;

WHEREAS, the Docks and Harbors enterprise department has admirably managed the cruise ship docks and the cruise ship industry while the recent increases in cruise ship tourism necessitates the Assembly to authorize the City Manager with more control of tourism management; and

WHEREAS, this ordinance would help clarify the tourism manager’s duties especially related to enterprise departments, for which the City Manager would otherwise have limited authority.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 03.15 is amended by creating a new section to read:

03.15.060 Tourism Office

- (a) City Manager Authority. The manager may create and maintain the tourism office by appointing a tourism manager. The tourism manager shall report to the manager.
- (b) Duties. The tourism office is responsible for tourism management borough-wide, including but not limited to the following: centralized tourism policy and management; coordination of community planning and projects related to tourism; public relations related to the cruise ship industry, including contract management and schedule coordination; and other duties as assigned by the manager.
- (c) Department consultation. Department directors, or designees, including enterprise departments, are expected to take direction from the tourism office when a project, change in operation, change in policy, or similar action would likely alter or impact tourism management. The tourism manager, or designee, is expected to consult with department directors when a tourism management issue would likely alter or impact a department's project, operation, policy, or similar action. The tourism manager is expected to provide reports and be available to advise Department Directors, Boards, and Committees related to tourism management.
- (d) Project Management. The manager may assign the tourism manager as the project manager or a co-project manager for any project with a substantial relationship to cruise-ship originating tourism even if an enterprise department would otherwise manage the project. If the manager invokes this project management authority for an enterprise department project, the manager shall provide written notice to the enterprise department governing body and to the Assembly or Assembly committee; the Assembly may repeal such project management authority assigned to the tourism manager on a case by case basis via motion.

Section __.Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2024.

Beth A. Weldon, Mayor

Attest:

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3 Elizabeth J. McEwen, Municipal Clerk
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Port of Juneau

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

From: Port Director
To: City & Borough of Juneau Assembly
Via: (1) Docks & Harbors Board
(2) City Manager
Date: ~~October~~ November xxth, 2023
Re: Title 85 - Clarification

1. Docks & Harbors respectfully requests clarification to proposed Title 85 changes pertaining to roles and responsibilities of the Board of Directors. Above all, it is Docks & Harbors desire to meet the expectations and goals set by the Assembly. After two presentations by the outgoing CBJ Manager at Board meetings, the proposed language in the enclosure was provided on September 29th. Specifically, this memo offers bulletized commentary to his recommended changes.

(1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, ~~docks, ferry terminals,~~ boat launching ramps, and related facilities except as designated by the assembly by resolution. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.

- Codifying the Docks Enterprise responsibilities for day-to-day operations and maintenance CBJ owned docks may be appropriate; however, this is already accomplished without such language.
- Removing reference to “rate setting” is incongruent to managing operations & maintenance facilities. All rates must go through the Assembly for ratification; therefore, rate setting is only a recommendation from the Board. It would seem Board input to the Assembly regarding maintaining facilities would be appropriate, even if it is in an advisory role.
- Docks & Harbors has never scheduled cruise ships; therefore, prohibiting an activity in which there are no plans to execute seems extraneous.
- Language which removes Docks & Harbors scheduling/policy/issues responsibilities in mitigation of impact of tours may have unintended consequences. Docks & Harbors expends significant resources managing downtown and Statter Harbor parking lots, as well as deconflicting tour excursions from local users at Statter Harbor, North Douglas Boat Launch and Wayside Park float.

(2) Prior to February 1 of each year, the Board shall direct the Port Director to submit a budget necessary for the duties outlined in 85.02.060 to the Manager for inclusion in the municipal budget submission to the Assembly. If the Manager proposes a reduced budget to the Assembly or if the Assembly reduces the Board’s proposed budget, then the Board shall inform the Assembly within 30 days of the operational impact of such reductions.

- Docks & Harbors Board already provides the proposed and amended budget by the last Thursday in January via the established Finance Department processes.
- If the intent of this change is to remove all Docks Enterprise budget responsibilities from the Board and into the general fund (municipal budget), this would imply that the Docks is no longer an empowered enterprise. Would this be the intent of this change?

85.02.065 Limitation on authority.

~~The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.~~

- By removing a paragraph entitled “Limitations on authority”, one could interpret this as providing more authority than what the Assembly wishes the Board to exercise.
- This paragraph places boundary conditions on what the Board may commit to and only with written authority from the Assembly. This appears to be a sound policy.
- It is unclear whether the intent of this extraction signals that the Board should not be involved in the Harbor Enterprise capital improvement plans.
- It is unclear to whether the removal of long range port development [sic] is suggesting the Board should not be engaged in the Long Range Waterfront Plan and/or including planning efforts along the Borough managed tide lands.

85.02.090 Duties and responsibilities of port director.

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

- Reviewing the proposed language and bulletized comments from 85.02.060(a)(1) above, this change only adds confusion. This paragraph only speaks to the responsibilities of the Docks & Harbor Board, not the Port Director’s role.
- The current Port Director, although not agreeing 100% with the three previous City Managers, has always taken direction from that position. Broadly speaking, if CBJ has a Port Director unwilling to take direction from the City Manager, then the wrong individual is the Port Director.
- The Port Director already works for 18 individuals, adding a 19th is not a lift.

2. It appears that the draft language encourages distancing the Docks & Harbors Board from issues related to the large downtown cruise ship docks. As a practical matter, Docks & Harbor recognizes its role to provide infrastructure and to improve operational efficiencies whether at the cruise ship docks, harbors or boat launches. Policy questions regarding the impact of the cruise industry has never been asked of Docks & Harbors. For instance, the Port Director was not included in the deliberations of the CLIA lawsuit, in the participation in the VIFT nor in the negotiations with the industry on port agreements, such as the five ship limit. Docks & Harbors Board and Staff are capable and willing to assist in any capacity directed. The tone of the recommended changes, in many ways, implies “don’t do something that you’re not already doing”. A better approach may be to maximize the efforts of the volunteer Board of nine individuals by leveraging their talents, knowledge and abilities, even if it is in the role of advisory. As an example, the Board has been consistent for many years that CBJ is exposed to unnecessary legal risk without a contiguous safety railing along the downtown Seawalk. The Board articulating this position adds a creditable voice to the maritime needs of the Juneau community. The decision to fund a project still remains with the elected Assembly.
3. Should the Assembly wish to entertain changes to ordinance on tourism policy, the following may want to be considered:

85.02.060 General powers.

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. The board shall carry out its charge for matters pertaining to the harbors enterprise with vigor and resolve; and to the docks enterprise, as an advisory body to the assembly. In particular, and ~~without~~ limitation on the foregoing, the board shall:

4. Docks & Harbors Board recommends ~~scheduling discussion~~ at the joint meeting with the Assembly to better delineate ~~the potential~~ solutions to the identified problem statement. It is Docks & Harbors vision to work with all patrons, customers, stakeholders and elected officials to enact our mission statement: *Develop and provide opportunities, services and facilities to support marine related commerce, industry, fisheries, recreation and visitors.* Docks & Harbors wishes to expand the dialogue to mitigate potential unintended damage in the management, planning and operations of CBJ facilities covered under the proposed ordinance change.

#

ASSEMBLY COMMITTEE OF THE WHOLE

DRAFT MINUTES

February 26, 2024 at 6:00 PM

Assembly Chambers/Zoom Webinar



Assembly Committee of the Whole Worksession

Public Testimony will only be taken during the Special Order of Business Public Hearing section.

<https://juneau.zoom.us/j/95424544691> or 1-253-215-8782 Webinar ID: 954 2454 4691

A. CALL TO ORDER

Deputy Mayor Michelle Hale called the meeting to order at 6:01p.m.

B. LAND ACKNOWLEDGEMENT

Assemblymember Ella Adkison provided the following 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

Assemblymembers Present: 'Wáahlaal Gídaag (Zoom), Christine Woll, Ella Adkison, Paul Kelly (Zoom), Wade Bryson, Alicia Hughes-Skandijs (Zoom), Greg Smith, Deputy Mayor Michelle Hale, and Mayor Beth Weldon.

Clerk's note: Due to technical difficulties mid-way through the meeting, the internet connection at City Hall was lost and became intermittent resulting in the loss of the Zoom participants approximately 30 minutes prior to the end of the meeting. Since there was still a quorum present at City Hall, those present completed the final work on agenda item 7 (Title 3 & Title 85 changes re: Tourism Office) and adjourned the meeting.

Assemblymembers Absent: *None*

Staff Present: City Manager Katie Koester, City Attorney Robert Palmer, Deputy City Manager Robert Barr, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Tourism Manager Alix Pierce, Assistant Attorney Emily Wright, Assistant Attorney Sherri Layne, Superintendent of Schools Frank Hauser, Lands Manager Dan Bleidorn, Port Director Carl Uchtyl (Zoom), Housing Officer Joseph Meyers (Zoom)

D. APPROVAL OF AGENDA

The agenda was approved as presented.

E. APPROVAL OF MINUTES

1. April 3, 2023 Assembly Committee of the Whole Draft Minutes
2. November 6, 2023 Assembly Committee of the Whole Draft Minutes (*corrected version*)

MOTION by Ms. Woll to approve the minutes of the April 3, 2023 COW meeting and the November 6, 2023 meeting with corrections as noted in the packet and asked for unanimous consent. *Hearing no objections, both sets of minutes were approved.*

F. SPECIAL ORDER OF BUSINESS - PUBLIC HEARING

Instructions for Public Participation

The public may participate in person or via Zoom webinar. Members of the public who do not wish to testify but would like to watch the proceedings live, can do so through the [CBJ YouTube Livestream](#). ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.*** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

The following ordinances were introduced at the February 23, 2024 Special Assembly meeting, scheduled for public testimony during this Assembly Committee of the Whole Meeting and set for final public hearing and Assembly action at the March 4, 2024 Regular Assembly meeting.

- 3. Public Hearing: Ordinance 2023-14(b)(AD) An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars.**
- 4. Public Hearing: Ordinance 2023-14(b)(AB) An Ordinance Providing up to \$3,922,787 to the Juneau School District for Non-instructional Costs for FY24.**
- 5. Public Hearing: Ordinance 2024-01(b)(A) An Ordinance Providing up to \$1,650,405 to the Juneau School District for Non-instructional Costs for FY25.**

Public Testimony:

Mr. Neil Stichert, a resident of Mendenhall Valley and parent of two students in the Juneau school system, said he attended the School Board meeting last week. He noted the board made its final decision after midnight during the very early hours of the morning after a grueling 7 hour meeting. He said that boardmembers had stated that they had not met or meaningfully discussed some of the detailed aspects of all the options. He noted that at the same time the school board was meeting, the State House passed legislation affecting school finances and the Base Student Allocation (BSA) formula funding in real time that same night. He expressed concern about School Board members' demeanor, students, staff, teachers and members of the public were present and tensions were high and he feels the board made a decision under duress. He said that his sophomore attending Thunder Mountain has reported to him that they are already feeling the backlash of that decision in a Hunger Games style hostile environment. He spoke to the impacts the School Board's decision is having on the student body and that there is speculation flying around the community without a truly viable plan. He suggested the Assembly withhold or make a condition of the FY25 CBJ funding that the School Board provide a comprehensive analysis if the restructuring of the schools and how their recent decision will impact the student body. He said that he does not think the recent changes proposed by the School Board will have a chance to be implemented without significant impacts and a reduction in enrollment of our current student body.

Mr. Smith said that he listened to the 7 hour meeting and asked if Mr. Stichert if he heard about the plan that the School Board will be putting forward in the coming months.

Mr. Stichert said he did hear them discuss their proposed plan but that there is a lot to be figured out with respect to their proposal and he doesn't think JSD will be ready by August for all the proposed changes. He said the School Board is in a tremendously difficult position and suggests the Assembly hold open the FY25 component of the support that the Assembly hold that open until it is more fleshed out if at all possible.

Deputy Mayor Hale invited JSD Superintendent Frank Hauser to come forward and provide an update on the timeline of where they are with respect to the finances and planning process.

Superintendent Hauser reported that the Board of Education (School Board) met on Thursday February 22 and early Friday morning February 23, they made a decision on the school consolidation plan. He noted that tomorrow, Tuesday, February 27, they have a Special School Board Meeting to discuss the FY24/FY25 budgets. He said that during that discussion, they will be looking at enrollment numbers, the PTR (pupil/teacher ratio), staffing assignments, looking at the next steps for the preparation for next school year. They will be looking at the remainder of funding for FY24, including discussion on the ordinances currently before the Assembly, and how that ties into the FY25 budget. He said that the next regular meeting of the board is on March 7 and they will be having the first reading of the FY24 budget revisions as well as the FY25 budget in addition to the reduction in force plan – those will all be on for first reading. He said the second reading of those items will be on the March 12 School Board regular meeting. They are currently going through with staff to put all the pieces together, including those mentioned during public testimony. They are working on the transition as some students are already working on enrolling in courses for the next year so they are working on a combined course list for the classes going into next year. For staffing purposes, they are working on all things moving forward and hope to have additional information in the near future on what that will ultimately look like.

Deputy Mayor Hale reminded those who were participating in this meeting via Zoom, that the deadline to sign up to testify via Zoom was at 4pm today. She noted that anyone in the Assembly Chambers who wanted to testify could still sign up to do so. There being no further testimony at that time, she invited Manager Koester to provide an overview of the next agenda topic on Title 3/85 changes related to tourism.

G. AGENDA TOPICS

6. Title 3 Establishing a Tourism Office & Title 85 Duties of Docks & Harbors (D&H)

Manager Koester gave an overview of the two ordinances in the packet related to Title 3 (Tourism Office) and Title 85 (duties of the Docks & Harbors Board). She went through each section where there are proposed changes. She then answered a number of questions from Assemblymembers as related to the substantive changes in the ordinances.

Mr. Bryson asked how this ordinance change might impact the job description for the Tourism Manager?

Manager Koester said that following the VITF recommendations, they established a position in the Manager's office at a high level position that has been given the authority to negotiate on behalf of CBJ. The ordinance changes provide some more structure for the Manager to assign the Tourism Manager as the client department or the project manager for any project with substantial relationship to cruise ship tourism. She explained what that looks like logistically using the Engineering/Public Works model. In most instances, the Port Engineer will be the project manager but by adding this language to the code, it would give the Tourism Manager either the role of a client department or a co-project manager and they would have direct role in influencing and being part of that project. The Tourism Manager would not take over the role of the Engineer who has the expertise for those types of project but it does ensure the Tourism

Manager has a substantive seat at the table. Examples of the types of projects this would include are Dock Electrification, and Seawalk Expansion. She said that while these examples are docks and harbors focused, another example would be Eaglecrest as it expands into summer operations and that would be a nexus where they would want the Tourism Manager to have a seat at the table to help look at the broader community tourism aspects.

Mayor Weldon stepped away at 6:20 from the meeting for approximately 3 minutes during this presentation.

Manager Koester, going through the Title 85 ordinance, said that on page 1 of the ordinance, line 24, it is explicit as to the responsibilities of the D&H Board which is still responsible for boat launch ramps and harbors and still does maintenance of the docks as well. She said that this section clarifies what the D&H Board would NOT be responsible for which includes dock rate setting, scheduling or policy related to the cruise ship industry or interaction between the industry and the citizens of Juneau including the impact from tours.

Ms. Woll said that she is curious about what this will do to the rate setting process. She said that her understanding is that right now D&H proposes rate changes and the Assembly gets to either approve those or sends them back to D&H for reconsideration at a high level. She said that she agrees that may not serve the Assembly, given their goals, but she isn't sure what this change would mean in terms of a process moving forward as she sees that both entities have a key part to play with the rates.

Manager Koester provided a recent example of some miscommunication that had occurred with respect to dockage rates. The D&H Board had been working on their rates for both harbors and docks and brought forward a 9% proposed increase across the board to both. At that same time, the Manager's office had been in negotiations with the cruise industry about dockage rates and there was a misunderstanding as to who was charged with working on that task. Manager Koester said this ordinance change was to try to bring better alignment of the roles and responsibilities for each agency and moving forward, the Manager would bring those rates forward to the Assembly.

Ms. Woll asked Manager Koester what role the D&H board would have in that process.

Manager Koester explained that the Manager's office would consult with D&H on those but this ordinance doesn't mandate that so if the Assembly wants to have that formalized, that would need to be a change included in this ordinance. She then pointed to the section of the ordinance found on page 2 of the ordinance lines 4-10 and that provides increased communication between the Manager and the D&H Board as well as the Assembly.

Manager Koester then addressed the change to page 5 of the ordinance, lines 14 where it is repealing the language of 85.02.065 that currently reads: ***"Limitation on authority. The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution."*** Manager said that the reason for repealing this section is that if it were to be left in this code section, it means that the long range waterfront plan and any bigger capital improvement projects associated with the docks are something that the Assembly wants to give the Docks & Harbors Board direction to work on. She said that the reality is that, as she understands it, that is what the Assembly was wanting to do at the Assembly level long range planning so this ordinance change is to clarify those roles.

Mr. Smith asked Manager Koester what CBJ staff would work on those things, if that would be the Tourism Manager or someone else. Manager Koester said that would be as designated by the City

Manager. In case of long range planning, it would be the Tourism Manager. Notably, it is long term capital planning but not capital improvement projects as those are still under the D&H duties as found on page 3 of the ordinance, starting on line 23. Under that section D&H maintains control of the CIPs unless otherwise specified by the Assembly by resolution. She noted this does not remove the capital project management piece, it just specifies for bigger picture planning. She said the Seawalk is one instance that type of planning that crosses multiple departments and is greater than the impact on one small project and would be headed up by the Tourism Manager.

Ms. Hughes-Skandijis asked for clarification that this would remove all long term planning from the D&H but that they are managing the project at the project level. Manager Koester said that is correct and that what she is not saying is that they would be removed entirely from dock projects, they would still be involved in the dock projects, but they would just not be the lead department. In continuing her overview of the ordinance, Manager Koester noted that on page 6 of the ordinance, starting at line 21, it states that the Port Director shall take direction from the city manager or their designee on all things related to cruise ship tourism.

Manager Koester said that was the end of her of her formal overview of the ordinances but that Port Director Uchytel and D&H Chair Etheridge were also available to answer any questions the Assembly may have.

Mr. Smith asked who would be in charge of things if they were developing a port on the back side of Douglas, who would be dealing with that planning and if that would be the Tourism Manager. Manager Koester said that is a fairly large project that would have a number of departments involved including master planning and other work involved. She said that in the event there is a nexus with tourism, the Tourism Manager or Manager's designee such as a project manager from Engineering/Public Works would be involved. She explained that when she thinks of the backside of Douglas, she thinks of developing a port that would handle freight and something like that might be handled by Engineering or D&H. She spoke to a collaboration between those two departments when there are shared services involved.

Mr. Bryson asked if there was an end date or exit strategy for these changes. He said that while we may be moving in this direction now, will it still be necessary 10-20 years from now and would we even have a Tourism Director at that point. He asked if there would be something that would cause them to go away than what we are working on now. Manager Koester said that is a difficult question as it is presupposing future Assemblies and future budgets. She said that the underlying question is "Do we see this a temporary clarification of the roles and responsibilities of the D&H Board?" She said that she does not see it as temporary. She sees the community of Juneau struggling with managing tourism from a wholistic view which is beyond the docks and is complex problem solving. She sees a wide variety of factors having an influence as an economic reality that anything can happen to change our reality. There are so many unknowns but she doesn't see this as a temporary change.

Ms. Adkison said that seeing this as a significant change in the D&H staff roles and responsibilities, does Manager Koester anticipate any change in staff capacity, making some staff not necessary? Manager Koester said that she wants to be clear that the ordinance speaks to the roles, responsibilities, and duties of the board rather than staff. She said that obviously staff has to implement the will of the board but D&H spends a tremendous amount of time managing and securing the docks and there are major maintenance and operational duties for dock staff to continue as they have been. She said that the primary affect of this ordinance is in providing a seat at the table for the Tourism Manager.

MOTION by Mayor Weldon to ask the Assembly liaisons to bring these proposals to all the empowered boards and bring back their responses. Also moved to introduce the two ordinances at April 1 Regular Assembly Meeting and asked for unanimous consent.

Mayor Weldon asked D&H Chair Etheridge when their next meeting is being held. He said that it is scheduled for Thursday, February 29. Mayor Weldon invited members of the Assembly to attend that meeting to hear what the D&H Board thoughts are on these proposed ordinances.

Mr. Smith objected for purposes of a question for staff. He asked the Manager how they can make sure that there isn't an inordinate amount of work getting dumped onto the Tourism Manager and he asked what types of chains of command were in place to protect that position. Manager Koester noted that as far as workload is concerned, D&H staff would have a pivotal role in managing projects in Docks & Harbors both. She said it is a very professionally run department and she feels they can still maintain those duties and expectations.

Mr. Smith said that he has faith and thinks that the manager and D&H staff can work out the differences and he removed his objection.

At 6:47p.m. TECHNICAL DIFFICULTIES & LOSS OF INTERNET CONNECTIVITY CAUSED THE MEETING TO MOVE UP TO CONFERENCE ROOM 224 AND ZOOM CONNECTION COULD ONLY BE RESUMED INTERMITTENTLY.

Deputy Mayor Hale called for an at ease at the request of the Clerk to try to troubleshoot the connectivity. During the troubleshooting period, staff suggested that the meeting move upstairs to the City Hall Conference Room #224 to see if they could re-engage with those on Zoom. Clerk McEwen dialed into the Zoom feed from her phone to notify members of the Assembly and public participating on Zoom that they were trying to reestablish the feed to the live meeting. It was discovered that the internet connections for all of City Hall went down at that point.

At 7:03p.m. the meeting resumed in Room 224. There continued to be intermittent connectivity issues.

Deputy Mayor Hale invited a member of the public who came in late to testify on the ordinances that were up for public hearing at the beginning of the meeting.

Ms. Nanibah Frommherz, a student at Thunder Mountain High School, stated that she plays varsity basketball and cross country varsity and she thanked the Assembly for their time and thanked them for considering helping out the Juneau School District as it means a lot to her.

Ms. Woll thanked Ms. Frommherz for being at this meeting. She said that last Friday at its Special Meeting, the Assembly decided to have this public hearing on these ordinances but that they did not get a lot of public participation. She asked Ms. Frommherz, from her perspective, how we could get the word out better so that folks know about the decisions the Assembly will be making in the next week.

Ms. Frommherz said that she hears a lot about school board meetings from the school newsletter as well as from Instagram. Deputy Mayor Hale thanked Ms. Frommherz for coming to testify.

Deputy Mayor Hale stated that since there was still a quorum of members present in City Hall Room 224 that we would proceed with the remainder of the meeting to finish up this one agenda item and all other agenda items would be taken up at a later meeting.

AMENDMENT #1 by Ms. Woll to direct the City Attorney to draft language in Ordinance 2024-10vCOW1 (Amending Chapter 85.02) to include language that Docks and Harbors would be consulted for any rate changes prior to them coming to the Assembly.

When asked what portion of the ordinance that language would fall under, Ms. Woll said that it would likely fall in the General Powers section and she asked the City Attorney to use his judgement on where it would be best to include that language. City Attorney Palmer asked Ms. Woll if she would approve him making a similar change to Ordinance 2024-04vCOW1 (Amending Chapter 03.15) to mirror that language in both ordinances for clarity. Ms. Woll said that would be acceptable to her and she asked for unanimous consent. *Hearing no objection, that motion passed by unanimous consent of those present in the room.*

AMENDMENT #2 by Ms. Woll to restore the language on page 5 of Ordinance 2024-10vCOW1, lines 14-18 that was removing 85.302.065 as noted above. Objection by Mayor Weldon for purposes of a question.

Mayor Weldon asked the City Attorney to speak to the removal of that language and the consequences if it were restored. Attorney Palmer explained that if that language were left in the ordinance, it conveys that the Assembly is giving the Docks and Harbors Board the authority and direction to commit CBJ to long range port development or CIP projects unless they are explicitly directed not to.

Ms. Woll said the intent of her amendment is that in her mind, this should be a collaborative process and she would be happy to work with the Attorney on crafting other language for this section. **After hearing additional clarification from the City Attorney and other Assemblymembers stating that they supported the removal of that section from the ordinance, Ms. Woll withdrew her Amendment #2.**

Mayor Weldon said that the Assembly will be the primary decision maker for any long range port development and CIP projects related to tourism and that they will consult with the D&H Board.

Deputy Mayor Hale asked for any further discussion on the main motion as amended. Hearing no further discussion, the main motion, as amended by Amendment #1, passed by unanimous consent.

Deputy Mayor Hale noted that due to the continued lack of internet connection, the remaining items on the agenda as noted below would be taken up at a future meeting.

- 7. Resolution 2986 A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.**
- 8. Resolution 3022 A Resolution adopting Guidelines for the Juneau Affordable Housing Fund.**
- 9. Downtown City Office Space - Verbal Update**

H. STAFF REPORTS

I. NEXT MEETING DATE: March 11, 2024, 6:00p.m.

J. SUPPLEMENTAL MATERIALS

K. ADJOURNMENT

Deputy Mayor Hale adjourned the meeting at 7:16p.m.