

23. CBJ's MPF and PDF are similar to the City of Ketchikan's fees which total \$7.00 and are used similarly, for example both the CBJ and Ketchikan use the fees to fund crossing guards.
24. The Port Development Fee has been collected since 2002, and in its present form of \$3.00 since 2008. CLIA has never objected to or challenged the collection of the PDF or the reasonableness of the fee since I have been City Manager.
25. CBJ used the PDF consistent with the resolutions and has consulted with CLIA's predecessors, CLIA, and cruise line representatives or gave them the opportunity to consult on proposed PDF projects.
26. The CBJ relied on the requests by industry and their lack of objections to certain projects when deciding what to finance with PDF.
27. The CBJ has been unreasonably prejudiced by CLIA's delay in bringing a lawsuit more than 14 years from the implementation of the fees. Many of the prior city managers and assembly members who made the decisions on the CBJ projects are no longer part of CBJ and CBJ cannot reach these individuals for testimony in the case. CBJ has also relied on CLIA and the industry's requests for projects and agreements with other projects and relied on the representations of cruise industry representatives supporting the services and projects to believe those services and projects would not be challenged later as they were approved or requested by the cruise ship industry representatives and/or agents. CBJ relied on the statement by Don Habeger in 2008 who made public comments as the representative of the industry and the NWCA in response to the resolution creating the \$3.00 ~~MPF~~ PDF, when he said that the industry supported the PDF and that the industry specifically said