

Presented by: Mayor Botelho
Introduced: 03/14/2005
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2294b am

A Resolution Increasing Port Development Fees on Vessels Carrying Passengers for Compensation, and Repealing Resolution 2163.

WHEREAS, the Assembly, by Resolution 2163, established a Port Development Fee for the purpose of providing funding for capital improvements to the downtown waterfront, such as the Steamship Wharf/Marine Park Plaza project; and

WHEREAS, the Port Development Fund, into which the Port Development Fee is deposited, also established by Resolution 2163, continues to be used to fund the debt service on revenue bonds issued to construct the Steamship Wharf/Marine Park Plaza project; and

WHEREAS, it is the intent of the Assembly that the Port Development Fund should continue to be directed in the manner set forth in Resolution 2163, and Ordinance 2003-01 (authorizing issuance of revenue bonds), to retire the bonded debt issued for the Steamship Wharf/Marine Park Plaza project until such bonds are retired; and

WHEREAS, the Assembly has adopted a Long-Range Waterfront Plan outlining development of the downtown waterfront; and

WHEREAS, the Long-Range Waterfront Plan proposes certain capital projects for its implementation; and

WHEREAS, funding is needed to plan, design, and construct waterfront development projects outlined in the Waterfront Development Plan; and

WHEREAS, the primary user of downtown waterfront facilities is the cruise line industry; and

WHEREAS, the safety and efficiency of interstate and foreign commerce will be enhanced by planning, designing, and constructing facilities implementing the Long-Range Waterfront Development Plan; and

WHEREAS, increasing the Port Development Fee is a fair and equitable method of allocating costs for waterfront development projects among the various cruise lines and other users of the downtown waterfront; and

WHEREAS, the Assembly Waterfront Development Committee is in the process of developing a capital improvement project list with criteria for establishing priorities; and

WHEREAS, all expenditures of Port Development fees must comply with the Tonnage Clause of the United States Constitution, as implemented by the Maritime Security Act of 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Port Development Fee.

- (a) Imposition. Beginning on the effective date of this resolution until December 31, 2006, every vessel carrying passengers for compensation on port calls in the City and Borough and not otherwise exempted by subsection (c) of this section, shall pay in addition to any other fee or charge, a port development fee of
 - (1) \$1.18 per arriving passenger per day for all vessels; and
 - (2) an additional \$2.00 per arriving passenger per day for vessels docking at or lightering to a City and Borough port facility.
- (b) Beginning on January 1, 2007, every vessel carrying passengers for compensation on port calls in the City and Borough and not otherwise exempted by subsection (c) of this section, shall pay in addition to any other fee or charge, a port development fee of
 - (1) \$3.00 per arriving passenger per day for all vessels.
- (c) Exemptions. The port development fee shall not apply to:
 - (1) vessels having accommodations for 12 or fewer passengers;
 - (2) noncommercial vessels or vessels owned and operated by the state, the United States government, or a foreign government; and
 - (3) vessels operated by federally recognized Indian tribes.
- (d) Administration and disposition of revenues.
 - (1) The port development fee shall be administered by the City Manager.

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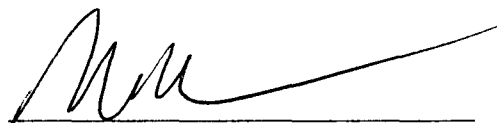
- (2) The fee shall be paid by the owner or agent of the vessel to the City and Borough within 45 days from the invoice date, provided that if the vessel carries fewer than 150 passengers, amounts owing may be combined in a single payment made no later than 45 days after the final port call of the vessel during each calendar year.
- (3) Proceeds of the fee shall be placed in the Port Development Fund.
- (4) The proceeds of the fund shall be used for:
 - (A) 75 percent of the costs of design and construction of Phase I of the Steamship Wharf/Marine Park project; and
 - (B) projects that benefit the cruise industry as outlined in the Long-Range Waterfront Development Plan as it may be amended from time to time.
- (e) Consultation with Industry. It is the intent of the Assembly that the process for making expenditures from the Port Development Fund shall include consultation with representatives of the cruise ship industry.
- (f) For purposes of subsection (a), "day" means any 24-hour period.

Section 2. Repeal of Resolution. Resolution 2163 is repealed; provided, however, that the Port Development Fund shall continue to exist, and a portion of the funds collected pursuant to this resolution, 2294b am, shall continue to be expended as necessary to defease revenue bonds issued for construction of the Steamship Wharf/Marine Park Plaza project, in the manner set forth in Resolution 2163.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

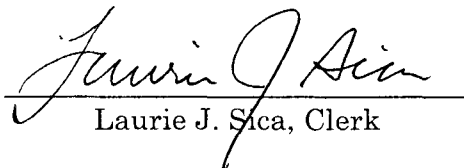
Section 4. Termination Date. This resolution shall expire three years after its effective date unless extended, or terminated earlier, by the Assembly.

Adopted this 14th day of March, 2005.



Marc Wheeler, Deputy Mayor

Attest:



Laurie J. Sica, Clerk