

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, July 29th, 2021

Zoom Meeting
<https://bit.ly/35IZYov>
or via Phone 1-253-215-8782
Meeting ID: 998 6090 4408
Passcode: 964052

- I. Call to Order** (5:00 p.m. via Zoom)
- II. Roll** (Lacey Derr, Paul Grant, David Larkin, Matthew Leither, Mark Ridgway, Annette Smith, Bob Wostmann, Jim Becker and Don Etheridge)
- III. Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED.
- IV. Special Orders of Business**
 1. Nomination & election for Docks & Harbors Board Chair
 2. Nomination & election for Docks & Harbors Board Vice-Chair
 3. Recognition of Docks & Harbors Employee of the Quarter
- V. Approval of June 24th, 2021 Board minutes**
- VI. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- VII. Unfinished Business - None**
- VIII. New Business**
 1. Appointment of Standing Committee Assignments
Appointment by Board Chair
 2. Appointment of Standing Committee Chair(s)
Appointment by Board Chair
 3. Establishment of Special Committee(s) & Appointment of Special Committee Chair
Presentation by Board Chair
- IX. Items for Information/Discussion**
 1. Docks & Harbors ByLaw Review and Board Meeting Requests
Presentation by the Port Director
Committee Discussion/Public Comment

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2. Docks & Harbors Board Planning & Goals
Presentation by the Board Chair

Committee Discussion/Public Comment

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Thursday, July 21st, 2021
2. Member Reports
3. Assembly Lands Committee Liaison Report
4. Auke Bay Neighborhood Association Liaison Report
5. South Douglas/West Juneau Liaison Report

XI. Port Engineer's Report

XII. Harbormaster's Report

XIII. Port Director's Report

XIV. Assembly Liaison Report

XV. Board Administrative Matters

- a. Special Committee Meetings – TBD
- b. Ops/Planning Committee Meeting – Wednesday, August 18th, 2021
- c. Board Meeting – Thursday, August 26th, 2021

XVI. Adjournment

CBJ DOCKS AND HARBORS BOARD
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Zoom Meeting

I. Call to Order – Mr. Etheridge called the Regular Board meeting to order at 5:00 p.m. via Zoom.

II. Roll - The following members were present via zoom or in person: Lacey Derr, Mark Ridgway (left at 5:45pm), David Larkin, Annette Smith, Bob Wostmann, James Becker and Don Etheridge.

Absent – Chris Dimond, and James Houck

Also Present - Carl Uchtyl – Port Director, Matthew Creswell – Harbormaster, and Teena Larson – Administrative Officer.

III. Approval of Agenda

Mr. Uchtyl requested to remove item V. Special Order of Business which was to recognize the outgoing Board members but they are not present tonight.

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

Motion passed with no objection.

IV. Approval of May 27th, 2021 Board minutes & June 7th, 2021 Finance Sub-Committee minutes.

Hearing no objection, the May 27th, 2021 Board Minutes and the June 7th, 2021 Finance Sub-Committee minutes were approved as presented.

V. ~~Special Order of Business~~

VI. Public Participation on Non-Agenda Items

Mr. Robert Gentili, Douglas, AK

Mr. Gentili said ever since the Douglas parking lot has been filled, he has had 20% of overflow parking and the Harbor is trying to take those away. He requested to get this figured out and have it on the Board agenda. He wants to know if he will continue to have this parking.

Mr. Russell Peterson, Juneau, AK

Mr. Peterson said parking would be a good discussion for the Aurora Harbor area and the overflow parking at the Boat Yard. There are currently three people parking in the loading zone that have been there for hours because there is no place to park. If parking is included in the boat yard lease agreement, he does not believe the overflowing parking into the Aurora Harbor parking area is in their lease agreement. That starts another discussion on a new haul out maybe at the rock dump and a larger ship yard.

Mr. Matthew Leither, Juneau, AK

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Mr. Leither said living in Statter Harbor, it is hard to find a parking spot. He said he was told the 10-day move rule is not being enforced this year and he wants to know why with COVID not being an impediment?

VII. Consent Agenda –

- A. Public Requests for Consent Agenda Changes - None
- B. Board Members Requests for Consent Agenda Changes - None
- C. Items for Action

1. Fee Modification for Tour Sales Permits (05 CBJAC 10.040)

RECOMMENDATION: THAT DUE TO THE EXTRAORDINARY ECONOMIC HARDSHIP FOR CY2021, THAT THE FEE FOR TOUR SALES PERMIT BE REDUCED TO \$1500 FOR THE REMAINDER OF THE CY2021 CRUISE SEASON FOR ANY COMPANY WHICH WAS PERMITTED IN CY2019.

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

Motion passed with no objection.

VIII. Unfinished Business

1. Dockage Fee – Next Steps

Mr. Uchytel said on page 27 in the packet is a draft letter presented to the Operations Committee last week and there was a working group set up of Mr. Ridgway, Mr. Larkin, and Mr. Etheridge. The working group provided comments and Mr. Uchytel made all the recommended changes into this draft letter. If he is told tonight the letter is good he will deliver the document to the City Manger tomorrow.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

MOTION By MR. RIDGWAY: FOR THE DOCKS & HARBORS BOARD TO FORWARD A LETTER TO THE CBJ MANAGER RE-ENGAGING THE DISCUSSION TO INCREASE THE DOCKAGE FEE UNDER 05 CBJAC 15.030 AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

IX. New Business - None

X. Items for Information/Discussion

- 1. CBJ RecycleWorks – Gill Net Recycling Challenges
Mr. Stuart Ashton, CBJ Recycle Works Operations Manager

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Mr. Ashton said we have been putting a 20 yard container at Aurora Harbor for old gillnets. We are finally able to access the markets but there are a couple challenges. Juneau and Southeast Alaska does not produce enough nets so we send out our old nets to another company and when they get a full load they send to get the nets recycled. The old net container will be removed from Aurora Harbor and be placed at the household hazardous waste facility. The nets have to be properly prepared for recycle by removing the lead line, floats, and anything other than just the net. There is no charge to drop off a net.

Committee Discussion

Mr. Becker said this is a good thing because for years nets have been thrown in the back yards. He said he has some to dispose of and when would this be ready?

Mr. Ashton said the container should be moved tomorrow and next week he should be able to start accepting nets. We are hoping to collect as many nets as possible, get a full container, and ship down south. There is interest from Haines and other small communities asking if Juneau would act as a Hub. They would make sure the nets are prepared properly and pay to ship them to us as well as pay their rate for shipping down south. Right now we are just looking at getting up to par to the standard the nets need to be. All the information to prep your net is at a website called “net your problem”.

Public Comment - None

2. Auke Bay Loading Facility – Guide Pile Removal Option

Mr. Uchytel said on page 38 in the packet is a public notice explaining Docks & Harbors intentions regarding the guide pile removal. On page 39 in the packet is a drawing of phase I of the Auke Bay Loading Facility project. When this facility was being built, no one was contemplating this being a barge facility but it was looked at as a landing craft facility. Mr. Uchytel said he talked to Mr. Dick Somerville who is the engineer of record about the removal of the guide piles and conceptually he thought this facility could be used as a barge landing but the guide piles were anticipated to be used for two landing crafts using the same ramp and having a place to secure the eastern berth. On page 40 is an aerial view of the Auke Bay Loading Facility. Mr. Uchytel also provided an aerial view from parcel viewer which showed how close the guide piles are to Alaska Glacier Seafood (AGS).

Committee Discussion

Mr. Ridgway asked if the property lines are accurate?

Mr. Uchytel said yes.

Mr. Ridgway asked for Mr. Uchytel to show how close the larger barges discussed at the Operations meeting would be to AGS.

Mr. Uchytel showed where 52' is and commented Mr. Trucano's barge is 55'. He said with the removal of the piles there will be enough room for a 55' barge or larger.

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Mr. Wostmann asked if the piles provided protection for AGS? When the piles are removed will there be increased liability to AGS?

Mr. Uchytel said the guide piles are not structural but used to temporarily secure a landing craft and also provide a degree of safety. There would be an increased level of risk.

Mr. Wostmann asked if AGS has expressed an opinion of concern with the removal of the guide piles?

Mr. Uchytel said he has exchanged emails with them but AGS is just looking for more information at this time. Staff is in the process of conducting due diligence to do no harm.

Ms. Smith asked if other users have been notified and if any comments have been received from people who use this facility to haul out boats?

Mr. Uchytel said the intentions of the memo in the packet is to start the process to let the public know what Docks & Harbors plans to do.

Mr. Wostmann asked if there is currently a length of time that a landing craft or other user be allowed to stay there and load? Is there any idea how long it takes to load a rock barge?

Mr. Creswell said he is unsure how long it would take to load a rock barge. Currently we only have a fee for an hourly charge for ramp time.

Mr. Becker asked Mr. Dave Hanna how much rock is at Stabblers Quarry and he said we could never harvest all of it. This could go for a long time if this gets opened up.

Mr. Ridgway commented if we ask staff to pursue this, his concern is liability if a barge hits the corner of AGS dock.

Mr. Uchytel said the Operations Committee discussed the possibility for more revenue, but Mr. Somerville cautioned as you bring larger vehicles in to load, there will be more wear on the asphalt pavement. There was discussion to levy a tariff on the amount of rock that comes through our facility. These are things to consider as we move forward.

Mr. Etheridge commented that this facility was not designed for barges but for landing crafts and that was to get them out of Statter Harbor. We do need to move forward on this but very cautiously. There needs to be an increased rate for the rock loads.

Mr. Ridgway suggested that if the RFI would be that the contractor could keep the guide piles after removal to find out what the guide piles are worth.

Mr. Uchytel said staff did look into the price of the guide piles and we have a marine contractor that indicated they would do this work if they could keep the piles. The idea was so we did not have to spend any money out of our operations budget. This would be a legal work around to have the piles removed.

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Mr. Wostmann recommended before removal of the piles, determine the impact on other users, determine what amount of wear we would need to recapitalize, whether the fee structure would be acceptable to potential users, and if removal of the piles creates an unreasonable risk to our neighboring property. There is a list of items that needs careful consideration and resolution before pulling the piles.

Mr. Larkin recommended to hear Alaska Glacier Seafoods perspective if they have concerns with pulling the piles and barges moving around their facility.

Public Comment - None

3. Professional Consulting Services for Comprehensive Fee Review

Mr. Uchytel said this was discussed at the Operations Committee. The example in the packet on page 41 is a rate study for the Port of Homer conducted by Northern Economics. If it is the will of the Board to move forward with a rate study, staff would draft an RFP to go out with the prescribed requirements and have a professional consultant provide rate study expertise. It would be competitively offered and all proposals would be reviewed by a committee, the committee would make a selection, after a selection, there would be a contract negotiated. We are not selecting Northern Economics, we asked them for information. The discussion at the Operations Committee was leaning toward moving forward with the plan of action and this was an opportunity for the full Board to discuss and provide guidance to staff.

Committee Discussion

Mr. Ridgway said he strongly recommends moving forward with this rate study that will help us get on a stronger footing for establishing fair, reasonable, dependable, and predictable rate increases for decades to come.

Mr. Wostmann said he is in support of moving forward with a rate study which would greatly support the decision of the Board.

Ms. Smith said when she looks at the cost of this study, and that we have law abiding fee paying Harbor patrons crying for some form of security, she cannot support a cookie cutter study with our limited funds.

Mr. Becker said the Board will need to do homework on what we want to achieve in this study. We need a dependable rate to sell to the public.

Ms. Alicia Hughes-Skandijs asked if the Committee discussed what kind of study the Board is looking at?

Mr. Etheridge said we would be looking at the cost allocation based study.

Ms. Derr said we are looking at ways to implement fees that we can confidently say we did our homework but we also have wish lists from our patrons, infrastructure to fix, and other areas we need to enhance. We are looking toward the future and unfortunately our rates have not had the support to continue looking toward the future. With this sort of study, we can identify the areas that we want to focus on the most and maybe put some savings in the bank. She supports moving forward with a rate study.

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Public Comment

Mr. Russell Peterson, Juneau, AK

Mr. Peterson said he is offended by this. This guy was allowed to come in and give a 30 minute presentation unrestricted in front of the Board without any other vendors present for over a \$100,000 dollar contract. He got the floor and there was no other vendors there to present. Some of the first things that was said “if we tell him exactly what we want”. He was an acquaintance of Carl’s and he has known him for eleven years and he was the only vendor allowed unrestricted access to the entire Harbor Board. With the Assembly not giving the Board what they wanted with the fee increase, then keep it in perspective, the entire Board voted on a nickel discount on moorage rates. He asked how broke are we? Then the Board wants to turn around and double the fees for a user group that makes up 30% of the Harbor population and most of those people are living on 26’ boats. That is not a luxury but the size of a car, and people are living there. If we are broke, why was everyone given a nickel discount? Why is the Board going to put the entire burden on the live-aboard group when we know the entire trash bill for the entire Harbor is \$222,000? But now you want to spend \$100,000 on a study by a guy who has already said “just give me the numbers you want” plus having to pay for the Engineers time and now we are up to \$150,000. The entire live-aboard fees for next year is \$130,000. Everyone got a nickel discount and then one user group was singled out who pays for all of the trash and water for all of our harbors. He said because we didn’t get what we wanted with the Assembly now it is like a hot potato that no one wants to touch and so we need to hire a hit man. This is the same guy that caused the live-aboard fees in Sitka to go from \$50 per month to \$200 per month. That guy that had 30 minutes of unrestricted access to the Harbor Board. I hope someone has ran this by Robert Palmer because before he attended this meeting, he asked his legal people the legality of presenting that sort of a sales pitch unrestricted without any other vendor present. How is anyone else suppose to fairly compete with that. He said he objects. The fees should be spread across for everyone. There are other ways to go about this by winning support from the public. Locking gates did not work at Fisherman’s Bend, they only lasted one season. The locking gates on our dumpsters only lasted one season also and then we had to pay to have them removed. We need to focus on the stuff we really need.

Mr. Uchytel said Docks & Harbors staff is willing to move forward at a reasonable pace and bring things back to the Board if that is the will of the Board.

Mr. Etheridge recommended to move forward and come back to the Board with a motion.

Mr. Uchytel said with the cruise ships coming next month and turn over in administrative staff, he asks for a little leniency on how fast we move this forward. He understands this is important and he will bring it back to the Board.

4. CBJ Fireworks Ordinance – Communication to the Assembly

Mr. Uchytel said this was taken to the Operations Committee because of the potential action of the Assembly on how fireworks would be legalized on Docks & Harbors property. It was primarily those properties outside the fire service area, North Douglas, Amalga Harbor, and Echo Cove. The Assembly could take this item up again this fall to modify the existing ordinance and the City Manager suggested the Assembly should hear

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from the Enterprise Boards if we have any comments on how fireworks should be regulated on Docks & Harbors properties. As it stands now, the ordinance passed prohibits the use of fireworks on any Docks & Harbors property and only allowed on private property.

Ms. Alicia Hughes-Skandijs said she believes the Assembly will be looking at July 3rd and 4th for data points on how the current ordinance plays out. She encourages input from the Board if there are suggestions.

Committee Discussion -

Ms. Smith asked Mr. Uchytel if Docks & Harbors has any issues with fireworks on our properties outside the fire service area in the past?

Mr. Uchytel said staff does not see this as a major issue but we will be watching this July 4th to report any issues. Anyone who sets off fireworks on our property will be in violation.

Public Comment – None

XI. Committee and Member Reports

1. Operations/Planning Committee Meeting- Thursday, June 16th, 2021

Mr. Uchytel reported at last week's meeting the Committee discussed;

- Dockage fees next steps.
- Tour sales permit holders request for fee modification that allows a permit holder to operate a tour booth downtown this year. One company has indicated they are ready to start selling tours immediately.
- Auke Bay Loading Facility piling modification request. There were several people that came and spoke about removing the guide piles so larger barges can access the facility.
- Consulting services for fee review.
- The Port Engineer provided a presentation on Aurora Harbor phase III efforts and staff is confident we will receive \$2M. With our match of \$2M will give us a \$4M project for the north end of Aurora. Moving forward he wanted the Operations Committee to think about what that will look like. Do we move forward with a \$4M project or wait and see if we will get a 1% sales tax initiative in 2022.
- The Harbormaster spoke on security efforts with a seasonal employee assigned to patrol all the Harbors from 3:30pm to midnight daily Tuesday through Saturday working with Chair Etheridge.

Ms. Smith asked if there has been a reduction in numbers because of the patrol?

Mr. Creswell said it is still early but he will touch on this more in his Harbormaster report.

3. Assembly Lands Committee Liaison Report – Ms. Derr said she was not able to attend because of our Finance Sub-Committee meeting happened at the same time.

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4. Auke Bay Neighborhood Association Liaison Report – Mr. Wostmann said there was a meeting held to discuss the zoning changes and he was not able to attend but he did review all the documents for the meeting and there is nothing that will affect the shoreside properties. He is continuing to watch the zoning topic.

5. South Douglas/West Juneau Liaison Report – Ms. Smith said there has been no meetings.

XII. Port Engineer's Report –

Mr. Schaal said his report is in the back of the packet.

He provided updates to projects;

- Statter Harbor phase III(B) is complete. The Deputy Harbormaster is filling the new floats up with vessels. This project was supposed to be substantially completed on May 5th but it ended up being completed on June 2nd due to plumbing for the pump out systems and parts that needed to be replaced on the water system. The substantial completion was delayed and because of that, staff extended the contract administration time which is a direct cost to Docks & Harbors. Staff is currently assessing liquidated damages to the prime contractor because of the extended costs. There may be feedback as we go through this process and it is not something we usually have to do but this is directly due to timing issues and staff believes it is outside of Docks & Harbors responsibility.
- The Harris Pump Out project will have some major progress in the next few days. There is a contractor mobilizing to install a new pipe. The Deputy Port Engineer and staff are doing a lot of in-house work to keep costs down. Most of the funding for this was by a Clean Vessel Act grant that we received through the State. Staff is looking forward to closing this project out and providing a pump out for the Harris Harbor patrons.

Ms. Smith asked if there is an update with the Statter Harbor new float pump? She noticed there has been an issue with the sewer lines floating.

Mr. Schaal said what you are noticing are the soft hoses from the floating pump down to the pipe that lays across the bottom. When this was installed, a bubble was formed in the hose and we have chains that keep it in place. We have divers that will come and pull on the hose to remove the bubble. It is an unfortunate circumstance but we know what we need to do to fix this and it will be fixed very soon.

- The Engineer staff is working on submitting three grant applications due mid-July.

XIII. Harbormaster's Report-

Mr. Creswell reported;

- The 569th Dive Detachment has contacted Docks & Harbors that they will be coming to Juneau much like the 573rd did a few years ago. They will be working here in Juneau along with the Coast Guard dive team in support of the Buoy Tender Roundup. They will be in town for a month and they are looking for dive projects to assist us with to provide training for their divers. He said he submitted a list of seven or eight items today and they will be here early to mid-July.

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- The security swing shift is going exceptionally well. The security personnel gives a brief every morning and keeps a detailed log as well. Things are handled immediately and there is more enforcement in the lots. Great success so far. We are seeing low numbers of calls to JPD.
- General Harbor activity has increased; the new floats at Statter Harbor are open and we are putting boats on the floats, and management is changing daily.
- We are accepting applications for up to six seasonal part time limited Harbor Technician positions to support cruise ship operations. We are also accepting applications for two full time administrative assistant I positions. They all close July 1st.
- The newly hired Administrative Assistant III, Drew Baird, starts tomorrow at Aurora Harbor.
- Tomorrow morning with the low tide staff will be out doing ramp scraping and low tide inspections.

Mr. Etheridge asked about the handicapped parking space he requested to be closer to the Statter Harbor launch ramp and the request for parking from the Spuhn Island people.

Mr. Creswell said an ADA parking space was added in the vicinity of the Statter Harbor launch ramp. As you are coming up the ramp, it is to the right in the gravel lot beside the hot box for the water service. Regarding the Spuhn Island parking request, we do not have space for extra parking.

Mr. Etheridge said he has been working with the security person and it has been noticed and making a major difference in crime. We are headed in the right direction with the security staff and we need to continue.

XIV. Port Director's Report –

Mr. Uchytel reported;

- Mary Wolf, Docks & Harbors Administrative Assistant, has accepted a job with Parks & Rec managing the Field House and her last day is July 4th.
- Mr. Grant and Mr. Leither has been appointed by the Assembly to take Mr. Dimond and Mr. Houck's positions on the Board. Per our By-laws, the July Board meeting is our annual meeting for coordination and elections. Do we want to have an operations meeting before the Board is organized?
- The Maritime Festival went well last Saturday. The Archipelago uplands were used and it was probably the largest festival that he participated in.
- July 4th Docks & Harbors is prepared to open the lots as well as the floats for the July 4th activities.
- The first large cruise ship arrives July 23rd at the AS Dock. We are in the process of executing the Port agreement which is the CDC requirement between the Industry. Every cruise ship company has to have a Port agreement with every port they stop at.
- The Biden Administration announced a \$1.2T Bi-partisan Infrastructure Frame Work. Under that program there is \$16B for Ports and Waterways. It is unclear to him if it is for the next five or eight years. This is more than we have ever seen.

XV. Assembly Liaison Report-

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Ms. Alicia Hughes-Skandijs reported;

- The most recent action from the Assembly for Docks & Harbors was the appointments to the Board made last night.
- She went back and read the minutes from the meetings she was out of town. At the meeting where the regulation was sent back, she was not present because she was out of town. In one of the meetings, when the question was asked if the Assembly Liaison explained the history of Docks & Harbors public engagement process, she said the minutes did not reflect that she was out of town and not at the meeting.

XVI. Board Administrative Matters

- a. Finance Sub-Committee Meeting – TBD
- b. Ops/Planning Committee Meeting – Wednesday, July 21st, 2021
- c. Board Meeting – Thursday, July 29th, 2021

XVII. Adjournment – The meeting adjourned at 6:34pm.

Presented by: The Manager
Introduced: 06/09/2014
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2690

A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.

WHEREAS, the Docks and Harbors Board of Directors is responsible for the administration and management of the Docks and Harbors under general direction of the Assembly; and

WHEREAS, CBJ 40.05.030 provides that the Docks and Harbors Board of Directors shall recommend bylaws for the administration and government of the Docks and Harbors, which bylaws shall become effective upon approval of the Assembly by resolution; and

WHEREAS, the Assembly may accept the bylaws recommended by the Docks and Harbors Board of Directors, may reject such bylaws, or may modify them; and

WHEREAS, at its regular meeting of May 29, 2014, the Docks and Harbors Board of Directors approved certain amendments to the bylaws consistent with CBJ ordinances and forwarded the same to the Assembly; and

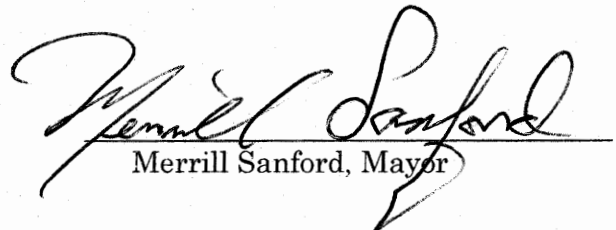
WHEREAS, the Docks and Harbors Board of Directors recommends that the Assembly approve the amended bylaws attached to this resolution.

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

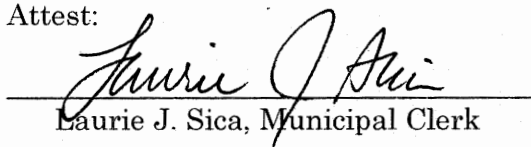
Section 1. The Assembly hereby approves the Docks and Harbors Board of Directors Bylaws, dated June 9, 2014, attached as Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted this 9th day of June, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk

**CITY AND BOROUGH OF JUNEAU
DOCKS AND HARBORS BOARD
BYLAWS**

ARTICLE I. NAME, DUTIES, AND POWERS

1. NAME. The governing body of the City and Borough of Juneau Docks and Harbors shall be known as the City and Borough of Juneau Docks and Harbors Board, hereafter referred to as the Board.
2. DUTIES AND POWERS OF THE BOARD. The duties and powers of the Board regarding the operation of the municipally owned and operated port and harbor facilities are established by Charter Section 3.21 and Chapter 85.02 of the Code of the City and Borough of Juneau.

ARTICLE II. BOARD MEMBERSHIP AND APPOINTMENT

1. NUMBER OF DIRECTORS. The Board shall consist of nine (9) members.
2. APPOINTMENT. All Board members shall be appointed by the City and Borough of Juneau Assembly as provided by Section 85.02.010 of the Code of the City and Borough of Juneau.

A new member shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

3. TERM OF APPOINTMENT. As provided in Section 85.02.010, Board members shall be appointed for staggered three-year terms and until their successor is appointed. Appointment terms will not violate the conditions set forth in Section 85.02.010.
4. VACANCIES. When the conditions set forth in Section 85.02.030 of the Code of the City and Borough of Juneau occur, the Chair will notify the Clerk's Office that a vacancy exists.

Vacancies on the Board shall be filled by the City and Borough of Juneau Assembly as provided by Section 85.02.030 of the Code of the City and Borough of Juneau and the Assembly Rules of Procedure.

A member filling a vacancy shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

5. MEMBERS. The duties and responsibilities of the Board members shall be as set forth in Sections 85.02.60, 85.02.63, and 85.02.65.

ARTICLE III. OFFICERS

1. OFFICERS. Officers of the Board shall consist of a Chair, Vice Chair and any other officers as

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DOCKS AND HARBORS BOARD
BYLAWS**

the Board may from time to time deem necessary.

2. ELECTION OF OFFICERS. Officers shall be elected at the annual Board meeting or at such time as offices become vacant.
3. TERM. Each officer shall serve for a term to extend until the next annual Board meeting or until such time as they vacate the office.
4. REMOVAL. Any officer may be removed from his or her office by an affirmative vote of at least six (6) Board members at a meeting called for that purpose or by the Assembly in accordance with CBJ 85.02.030.
5. CHAIR. The Chair shall preside at all Board meetings.

The Chair shall assign tasks to Board members and committees and shall ensure that all business of the Board is carried out.

The Chair shall act as spokesperson for the Board and will have such other duties and responsibilities as delegated to him or her by the Board.

6. VICE CHAIR. The Vice Chair shall act as the Chair in the absence of the Chair.

ARTICLE IV. COMMITTEES

1. STANDING COMMITTEES. There shall be the following standing committees of the Board:

- * Finance
- * Operations & Planning

The Chair shall appoint each Board member to serve on at least one standing committee. The Board Chair shall serve as a voting member of all standing Committees.

The Chair shall appoint a Board member to serve as the Chair of each standing committee. No Board member shall chair more than one standing committee.

Unless otherwise directed by the Chair, all standing committees will function at the direction of the appointed committee Chair.

2. SPECIAL COMMITTEES. The Board or the Chair may establish special committees to facilitate any Board business.

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The Chair shall appoint two or more Board members and may appoint any individual that is not a member of the Board to serve on any special committee established.

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

Unless otherwise directed by the Chair, all special committees will function at the direction of the appointed committee Chair.

A special committee shall serve for a period of time or for the accomplishment of a particular task or tasks as determined by the Chair. No special committee shall serve beyond the annual Board meeting unless reconstituted by the newly elected Chair.

ARTICLE V. MEETINGS

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

The Board may act on any matter within its authority at a regular or annual Board meeting whether or not such item was identified in the notice of the meeting.

2. ANNUAL. An annual meeting shall be held on the last Thursday of July each year.

The annual Board meeting may be postponed by the Board to a certain day.

At the annual meeting, a Chair, a vice Chair and other such officers as the Board shall deem necessary, shall be elected.

3. EXCUSED ABSENCES. Any absence of a member from a regular Board meeting shall be deemed unexcused unless the member is absent as a result of attending to official business on behalf of the Board, for extenuating medical reasons or for other significant cause, in which case the absence may be deemed excused by the Board Chair.

4. SPECIAL. Special Board meetings may be called at any time by the Chair or any three (3) Board members for good cause, which must be reaffirmed at the beginning of any special meeting.

Only business identified in the notice of the meeting may be transacted at a special Board meeting.

5. COMMITTEE. Committee meetings may be called at any time by a committee Chair or by a majority of the committee's membership.

Any topic or item may be discussed that falls within the purview of the committee's charge as

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determined by the Chair, committee Chair, or a majority of the committee's membership.

6. QUORUM. For all Board meetings, a quorum shall consist of five (5) members in attendance or participating via telephone. For all committee meetings, a quorum shall consist of a minimum of three (3) voting committee members in attendance or participating via telephone.

7. ADJOURNMENT, CONTINUATION, AND POSTPONEMENT OF MEETINGS. If a quorum is not present at a meeting, the Chair or committee Chair may adjourn such meeting to a time and place he or she determines most appropriate; provided that notice of the time and place of the adjourned meeting shall be given to each Board or committee member and the general public at least twenty-four (24) hours prior to such meeting.

If a quorum is present at a meeting, such meeting may be continued or adjourned from day to day and no additional notice of such continuation or adjournment need be given.

8. VOTES. No person other than a Board member is entitled to vote at any Board or committee meeting, except appointed members of special committees within those committees.

Each Board member shall be entitled to one (1) vote. No proxy votes may be used to constitute a quorum, transact business, or otherwise. To register a vote, the Board member must be present at the meeting or participating via telephone at the time the vote is taken.

An affirmative vote of at least five (5) Board members is required for a main motion to pass the Board. An affirmative vote of the majority of committee membership is required for a main motion to pass a committee.

9. ORDER OF BUSINESS. The following order of business shall be observed at all regular, annual, or special Board meetings and committee meetings insofar as practicable or necessary:

- Call to Order
- Calling of the Roll
- Port Director Request's for Agenda Changes
- Public Participation on Non-agenda Items
- Approval of the Previous Meeting Minutes
- Consent Agenda
- Unfinished Business
- New Business
- Items for Information
- Staff, Committee and Member Reports
- Board Administrative Matters
- Adjournment

As the first order of business after the calling of the roll at the annual Board meeting or at the first

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regular or special meeting after an officer vacancy has been recognized by the Board, the Chair, Vice Chair and/or other officers shall be elected.

The Port Director may include under the consent agenda:

- A. Actions to Propose Regulations for Public Comment
- B. Bid awards that have received Committee concurrence
- C. Resolutions
- D. Other items requiring Board action which do not involve substantial public policy questions.

10. BOARD MEETINGS PUBLIC. All Board and committee meetings are open to the public, except that executive sessions may be held in accordance with AS 44.62.310.

11. CONFLICT OF INTEREST. No Board member shall vote or deliberate on any question in which he or she has a conflict of interest as defined by Chapter 01.45 of the Code of the City and Borough of Juneau.

Such a Board member shall not be counted in determining the quorum for such a vote.

12. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in a Board or Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Chair chooses to participate by teleconference, the Vice chair shall preside.

B. No more than the first three members notifying the Board secretary regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Board secretary, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

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

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the

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entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.

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

H. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Board secretary shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

I. Participation by the telephone shall be allowed only for regular, special, or committee meetings of the Board.

J. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he/she would if physically present at the meeting.

K. As used in these bylaws, “telephone” means any system for two-way communication.

ARTICLE VI. PUBLIC HEARINGS, RULES FOR PUBLIC PARTICIPATION, AND APPEALS

1. PUBLIC HEARINGS AND RULES FOR PUBLIC PARTICIPATION. The Board may hold public hearings in accordance with established City and Borough of Juneau procedures to take public or other testimony on any issue dealing with Board duties or responsibilities. Public testimony will be conducted according to the following rules, which will be available at the meeting:

A. The presiding chair of the meeting will conduct the hearing.

B. The presiding chair will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The presiding chair may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Board members to members of the public. A majority of the Board or Committee may extend the time limit. The time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the presiding officer may grant additional time to a person speaking on behalf of a group present at the meeting.

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D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Port Director's Office more than three business days before a meeting and comprising 10 pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Port Director at the meeting provided the submission contains at least 15 copies.

E. The presiding officer will set forth the item to be discussed and will rule non-germane comments out of order.

F. All speakers, public, and members of the Board must be recognized by the presiding chair.

G. Members of the public will precede their remarks by stating their names, and unless otherwise allowed by the presiding chair, their place of residence.

H. Members of the Board will be recognized by their surnames.

I. Members of the Board will not direct questions to each other or to the chair during the public participation except as to the conduct of the hearing.

J. Members of the Board may direct questions to a member of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the effect of unreasonably extending the time limit applicable to public speakers.

K. The public may direct questions to the Board or the administration. However, the Chair shall have discretion as to the appropriate manner and time for a response. In no case shall the Board engage in debate with the public.

L. The Port Director may participate in the same manner as members of the Board.

2. APPEALS TO THE BOARD. The Board will, in those instances allowed by the Code of the City and Borough of Juneau and under procedures established by the City and Borough of Juneau, hear and adjudicate public appeals regarding the application of Harbor rules, policies and procedures. The Board will adopt rules of procedure for handling appeals.

ARTICLE VII. PORT DIRECTOR

1. PORT DIRECTOR. The Port Director serves at the pleasure of the Board as identified in Section 85.02.080 of the Code of the City and Borough of Juneau.

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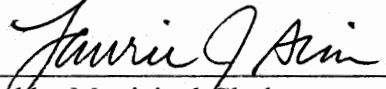
The Port Director shall have the duties and responsibilities identified in Section 85.02.090, 85.02.110, and 85.02.130 of the Code of the City and Borough of Juneau.

ARTICLE VIII. EFFECTIVE DATE AND AMENDMENTS

1. EFFECTIVE DATE OF BYLAWS. These Bylaws, as amended, are effective June 9th, 2014.
2. AMENDMENTS. Any of these Bylaws may be amended by an affirmative vote of six (6) Board members at any regular or special meeting called for and approved by the Assembly.
3. ADDITIONAL PROVISIONS. Indemnification of Directors and Officers Each director and officer now or hereafter serving as such, shall be, and by virtue of this Bylaw provision hereby is, indemnified by the City and Borough of Juneau against any and all claims and liabilities to which they, their heirs, and personal representatives, have or shall become subject due to serving or having served as such director or officer, or neglected by them as such director or officer; and the City and Borough of Juneau shall reimburse each such person for all legal expenses (including attorney's fees) reasonably incurred by them in connection with any such claim or liability, provided, however, that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with, any claim or liability arising out of their own willful misconduct or gross negligence.

The amount paid to any director or officer by way of indemnification shall not exceed their actual, reasonable, and necessary expenses incurred concerning the matter involved. The right of indemnification, herein above provided for, shall not be exclusive of any rights to which any director or officer may otherwise be entitled by law.

Adopted via Resolution No. 2690 this 9th day of June, 2014.



Attested by Municipal Clerk

PORT ENGINEER'S PROJECT STATUS REPORT

Erich Schaal, P.E., Port Engineer

Project	Status	Schedule	Contractor	Notes
Statter Master Plan Phase III				
Phase III A - Dredging, Blasting, Soil Compaction				
Army Corps of Engineers Permit	Complete		PND	
Incidental Harassment Authorization	Complete		PND	
Eagle Permit	Complete		PND	
CBJ Building Permit	Complete		Staff	
Construction Bid	Complete	July 16, 2019	PPM	
D&H Board Approval of Bid	Complete	July 17, 2019		
Assembly Approval of Bid	Complete	July 22 2019		
Construction	Complete	October 1, 2019	PPM	
Substantial Completion	Complete	May 29, 2020		
Dredge Basin Clean Up	Complete	September 26th & 27th		Dredging Complete
Final Completion	Complete	September 30th		
Project Close Out	Complete			Project closed out
Phase III B - Retaining Wall, Float Installation				
Army Corps of Engineers Permit	Complete		PND	
Incidental Harassment Authorization	Complete		PND	
Eagle Permit	Complete		Staff	
Design - Bid Documents	Complete		PND	
CBJ Building Permit	Complete		Staff	
Bid/Contract	Complete		TCC	Trucano Construction
D&H Board Approval of Bid	Complete			
Assembly Approval of Bid	Complete	4/27/2020		
Construction	Complete		TCC	
Substantial Completion	Complete	June 2, 2021		
Final Completion	Complete	June 6, 2021		
Project Close Out	In Progress			Project close out in progress
Phase III C - Uplands, Restrooms				
Eagle Permit	In Progress		Staff	
Design - Bid Documents	Hold		PND	
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		TBB	
Construction	Hold	TBD	TBD	

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Pre-Bid Conference	Hold			
D&H Board Approval of Bid	Hold			
Assembly Approval of Bid	Hold			
Substantial Completion	Hold	TBD		
Final Completion	Hold	TBD		
Downtown Waterfront Improvements				
Phase I - Deck Over				
Geotech Report	Complete		PND	
Materials Procurement	Complete	June 15, 2019	Island Const.	
Army Corps of Engineers Permit	Complete		PND	
Incidental Harassment Authorization	Complete		PND	Seals only, new reduced zone size
Bid Opening	Complete	July 2, 2019	Staff	
D&H Board Approval	Complete	July 3, 2019		
Assembly Approval	Complete	July 8, 2019		
Early Entry by Archipelago Property LLC	Canceled	June 1, 2020		Archipelago Project On Hold
Substantial Completion	Complete	December 12, 2020		
Final Completion	Complete	April 15, 2021		Project Complete
Phase II - Visitor Waiting Area and Restrooms				
Design - Bid Documents	Hold	TBD	PND	Working to 65% Plans with cost est
CBJ Building Permit	Hold		Staff	
Construction Bid	Hold		TBD	
D&H Board Approval	Hold			
Assembly Approval	Hold			
Phase II Construction	Hold			
Substantial Completion	Hold			
Final Completion	Hold			
Aurora - Harris Harbors Dredging - ACOE				
Breakwater Repairs	Complete	May 2020	ACOE	Western Marine Construction
Dredging Activity	Complete	April & May 2021	ACOE	Aurora dredging underway, complete May 15th
Public Outreach	Complete		Western	Project info on D&H website
Small Cruise Ship Infrastructure Study				
Fee Negotiations	Complete		PND	
Data Collection/Market Study	Complete		PND	
Planning/Conceptual Layout	Complete		PND	
Presentation to Board	Complete		PND	
Receive Comments from Board	Complete		Staff	

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Public Outreach	Complete		PND	
Final Report	Complete	Jan 2021	PND	
Final Presentation to Assembly	Complete	Feb 2021	PND	Study Complete
Large Berth Shore Power Design				
RFP Creation	Complete	May 19, 2020		RFP issued
Consultant Selection	Complete			Haight & Assoc Selected
Fee Negotiations	Complete			
Project Kick Off Meeting	Complete			
Stake Holder Interviews	Complete		H&A	
RAISE Grant 2021 Applications	Complete			Grant successfully submitted
Draft Report	In Progress		H&A	
Presentation to Assembly	Hold		H&A	August COW Mtg
Final Report	Hold	July 2021	H&A	After RAISE Grant Application
RAISE Grant 2021 Applications				
Cruise Berth Electrification	Complete	Due July 12, 2021	H&A	Grant successfully submitted
Small Cruise Ship Infrastructure Study	Complete	Due July 12, 2021	PND	Grant successfully submitted
Fishermans Terminal Planning Grant	Complete	Due July 12, 2021	Staff	Grant successfully submitted
PDIP Fisheries Terminal Grant	In Progress	Due July 30, 2021	Staff	
Statter Breakwater Chain Repair No. 2				
RFP Creation	Complete			Plan set done, working on scope
Contractor Selected	Complete			
Construction	Complete			Kenter links ordered
Project Kick Off Meeting	Complete			
Construction Complete	Complete			Completed as part of SHI III(B)
Marine Park Deckover				
95% Design Review	Complete			
100% Design and Specs	In Progress			
Bid Project	Hold			Waiting on MPF
Taku Seawalk Redecking				
65% Design Review	Complete			
95% Design	Complete			
100% Design and Specs	Complete			
Bid Project	Hold			Waiting on funds transfer

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Erich Schaal, P.E., Port Engineer

Aurora Harbor Re-Build - Phase III				
Phase IIIA - Demolition				
D&H Staff and Trucano	Complete		D&H	Demo is complete
Phase IIIB - Dredging				
Army Corps of Engineers	Complete	Winter/Spring 2020/2021	ACOE	Dredging complete
Phase IIIC - Float Installation				
ADOT Grant Application	In Progress	Aug 16, 2021	Staff	Gov veto requires resubmission of Harbor Grant
Design	Hold			
Auke Bay Marine Station				
Annual Report	March		Staff	2020 Report Submitted
Subdivision	In Progress		Staff	In review by Community Development Dept.
Shared Costs with UAS	In Progress		Staff	Awaiting UA response to Amendment #1
Harris Harbor Anodes				
Anode Design	Complete		Staff	Design in Progress
Anode Bid	Complete		Staff	Global Diving Apparent Low Bidder
Contract Award	Complete		Staff	
Grant Acceptance	Complete		Staff	Working through Assembly process
Pre-Construction Meeting	Complete	June 28th, 2021	Staff	
Construction	In Progress	Sept 10, 2021	Global/Staff	
Douglas Harbor Anodes				
Anode Design	Complete		PND	
Construction	Complete			Jun-2020
Substantial Completion	Complete	June 5, 2020		Complete
Final Completion	Complete	July 30, 2020		Project Complete
Sewage Pump-Out Improvements				
Statter Pump Upgrade	Complete		Staff	Part of SHI III(B)
Harris Pump Replacement	In Progress	June 25, 2021	Staff	Waiting on hoses and electrical
Douglas Launch Ramp Light Project				
Design	Complete		Staff	
RFP	Hold		Staff	Awaiting funding
Building Permit	Hold		Staff	
Construction	Hold		Staff	

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Erich Schaal, P.E., Port Engineer

D&H Managed Lands - Surveys				
ASLS 2013-15 - Uplands at Tee Harbor	Hold	2021	TBD	
ATS 1682 -DIPAC-Channel Construction	In Progress	2020	PDC	Field work complete, drafting plat
ATS 1693-DIPAC Wayside Park	In Progress	2020	PDC	Field work complete, drafting plat
ATS 1694-Tee Harbor Submerged Lands	Hold	2021	TBD	
ATS 1692 - N Douglas Boat Ramp	Complete		PDC	Complete
ATS 1690-Indian Cove	Complete		PDC	Complete
S. Franklin Dock Tidelands	In Progress		Staff	Awaiting DNR survey instructions
Wayside Park Float				
Dredging as Float Grounds Out	Hold			Awaiting Funding
N. Douglas Boat Launch Expansion Study				
Conceptual Design	Complete		PND	Awaiting Board direction
Dockside Safety Guardrail				
Design	Hold			Awaiting funding - Passenger Fees FY22
Bid Opening	Hold			
Board Approval	Hold			
Assembly Approval	Hold			
Construction	Hold			
Harbor Security Upgrades				
Continued Project Development with Board	In Progress			New cameras in Aurora, Douglas and Harris Harb
Statter Breakwater Deferred Maintenance				
Continued Project Development with Board	Hold			
Statter Breakwater Safety Improvements				
Phase II	Hold			Awaiting funding
Auke Bay Loading Facility - Phase II				
TIGER Grant Reporting - Annual	On-Going	Sept. 2020	Staff	Report for Boom Truck till 2033; SeaLift till 2044