

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MEETING AGENDA
For Wednesday, December 8th, 2021

Zoom Meeting
<https://bit.ly/3j9gHs6>
Meeting ID: 851 4466 7678
Passcode: 454353
Call In: 253 215 8782

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

MOTION: TO APPROVE THE AGENDA AS PRESENTED.

- IV. **Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).

- IV. **Public Hearings**

- 1. Proposed Passenger For Hire Regulation (05 CBJAC 20.080) Change
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

**MOTION by: TO RECOMMEND THE ASSEMBLY ADOPT PROPOSED
REGULATION CHANGES TO 05 CBJAC 20.080 (PASSENGER-FOR-HIRE FEE)
AS PUBLICLY NOTICED.**

- V. **Staff or Member Reports**
- VII. **Adjournment**



Port of Juneau

City & Borough of Juneau • Docks & Harbors
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(907) 586-0292 Phone • (907) 586-0295 Fax

From: Port Director
To: Docks & Harbors Board
Via: Docks & Harbors Operations-Planning Committee
Date: September 17th, 2021
Re: Statter Harbor – Passenger for Hire Rate (05 CBJAC 20.080)

1. Docks & Harbors has been engaged in an ongoing process to review numerous fees. In October 2020, the Board agreed not to make any adjustments to the charter vessel *passenger for hire* rates during calendar year 2021. This was primarily due to ensure the charter vessel companies had certainty with regards to what their operating costs would be ahead of the 2021 season.

2. With the completion of Statter Phase IIIB in the spring of 2021, there is now new infrastructure supporting the charter vessel fleet, which Docks & Harbors believes it is appropriate to consider rate adjustments for *passenger for hire* in time for the calendar year 2022 season.

3. The Finance Sub-Committee has been regularly meeting to discuss this fee as well as the entirety of all Docks & Harbors fees. At the September 8th Finance Sub-Committee meeting, a motion to increase each of the *passenger for hire* rates by 10% was recommended to the Docks & Harbors Board.

| | Inspected Vessel Current | Inspected Vessel Proposed | Uninspected Vessel Current | Uninspected Vessel Proposed |
|---------------|-----------------------------|------------------------------|-------------------------------|--------------------------------|
| Vessel Fee | \$518.00 | \$569.80 | \$156.00 | \$171.60 |
| Passenger Fee | \$1.50 | \$1.65 | \$1.50 | \$1.65 |

4. In the event the Docks & Harbors Board approves this rate adjustment, the process would be as follows:
- CBJ Law draws up the ordinance change
 - Docks & Harbors notices the proposed changes for a period not less than 21 days
 - Docks & Harbor Board holds a “hearing” to the proposed changes
 - Assembly acts on the recommended Docks & Harbors proposed regulation changes

#

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Amendment to Title 05, Chapter 20, Section 080 Small Boat Harbor Fees and Charges

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20.080.

05 CBJAC 20.080 Passenger-for-hire fee, is amended to read:

05 CBJAC 20.080 Passenger-for-hire fee.

- (a) *Definition.* The fee assessed to a person conducting ~~passenger-for-hire~~ **commercial charter vessel activities** at **all facilities managed by the Docks & Harbors Department** ~~Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp.~~
- (b) *Relationship to other fees.* This fee applies in addition to other fees set out in 05 CBJAC 020, except as follows:
- (1) A person paying moorage fees for reservations moorage at Statter Harbor as set out in 05 CBJAC 25.040 shall not be required to pay this fee;
 - (2) A person paying freight use fees as set out in 05 CBJAC 20.070 shall not be required to pay this fee if the passengers are loaded at a launch ramp;
 - (3) A person conducting passenger-for-hire activities at the Douglas Boat Harbor Launch Ramps, North Douglas Launch Ramp, Amalga Harbor Launch Ramp, ~~Tee Harbor Launch Ramp~~, and Echo Cove Launch Ramp are assessed fees as set out 05 CBJAC 01 in lieu of this fee; and
 - ~~(4) A person conducting passenger-for-hire activities at the Intermediate Vessel Float or the Marine Park Lightering Float are assessed moorage fees as set out in 05 CBJAC 15 in lieu of this fee.~~
- (c) *Requirements.* The owner of a vessel must apply to and obtain a permit from the Harbormaster in order to conduct passenger-for-hire activities at **all facilities managed by the Docks & Harbors Department** ~~Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp.~~ Applications are available at any of the Docks and Harbor Department Offices **or online**. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.

- (d) *Inspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:
- (1) ~~Calendar year 2015 permit: \$300 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for passenger for hire activity. Calendar year 2016 permit: \$400 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger for hire activity.~~ Calendar year 2017 **2022** permit: \$500 **\$569.80** per vessel plus \$1.50 **\$1.65** per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.
 - (2) Each calendar year after 2017 **2022**, a fee equal to the previous year's fee adjusted by the ~~Anchorage~~ Consumer Price Index – **Urban Alaska** (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, ~~rounded to the nearest \$1.00 for the vessel permit and nearest \$0.10 per passenger,~~ unless the docks and harbors board takes action to keep the fee the same as the previous year.
 - (3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.
- (e) *Uninspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (OUPV – operator of uninspected passenger vessels) as follows:
- (1) ~~Calendar year 2015 permit: \$50 per vessel plus \$1.00 per passenger each calendar day that one or more facilities is used for passenger for hire activity. Calendar year 2016 permit: \$100 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for passenger for hire activity.~~ Calendar year 2017 **2022** permit: \$150 **\$171.60** per vessel plus \$1.50 **\$1.65** per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.
 - (2) Each calendar year after 2017 **2022**, a fee equal to the previous year's fee adjusted by the ~~Anchorage~~ Consumer Price Index – **Urban Alaska** (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, ~~rounded to the nearest \$1.00 for the vessel permit and nearest \$0.10 per passenger,~~ unless the docks and harbors board takes action to keep the fee the same as the previous year.
 - (3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on November 3, 2021, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

Carl Uchtyl
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Its consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority following each section; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

 Robert H. Palmer III
 Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

 Elizabeth J. McEwen, Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

- 1. These regulations were accepted for filing by the office of the clerk at ___:___ a.m./p.m. on the ____ day of _____, _____.
- 2. After signing, I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
- 3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
- 4. Effective date: _____.

Date: _____

 Elizabeth J. McEwen, Municipal Clerk

DRAFT

Manager's Report

Regulation Change to: 05 CBJAC 20.080 Passenger-for-hire fee

This would amend the regulation governing charter vessels by increasing the per charter vessel and per passenger fees by 10%. There are also administrative changes which replace specifically named facilities with a general statement of facilities managed by Docks & Harbors. With the newly completed expansion of the Statter For Hire Floats, Docks & Harbor recognizes that the infrastructure improvements merit additional service fees from charter vessel companies enjoying the economic beneficial use of these facilities. In October 2020, the Board elected not to pursue any increases for the CY2021 season, in part due to the uncertainty of COVID as well as a desire to provide sufficient notice that fees could impact the upcoming season. The Board has proactively signaled to the charter operators that a modest rate increase was being proposed which allows ample opportunity for this business community to adjust their 2022 season rates. Additionally, the Board position is that increases to this fee will be considered in the comprehensive review of future harbor revenues. Docks & Harbors estimates this will increase revenues by approximately \$15K into the Harbor Enterprise. After meeting CBJ 01.60.200 with the requisite notification of the regulation change, the Docks & Harbors Board held a public hearing at a Special Board meeting on December 8th, 2021. There were no written or oral testimony which resulted in a substantive change to the proposed regulation amendments from the public hearing at the Special Docks & Harbors Board meeting.

Preceding the public hearing at the Special Board meeting, the Docks & Harbors Board has considered this regulation change at the below meetings with each meeting officially noticing an agenda item regarding Passenger-for-Hire fees:

September 17th, 2020 Finance Sub-Committee meeting
October 15th, 2020 Finance Sub-Committee meeting
October 21st, 2020 Operations-Planning Committee meeting
October 29th, 2020 Regular Board meeting
August 25th, 2021 Finance Sub-Committee meeting
September 8th, 2021 Finance Sub-Committee meeting
September 22nd, 2021 Operations-Planning Committee meeting
September 30th, 2021 Regular Board meeting
October 20th, 2021 Operations-Planning Committee meeting
October 28th, 2021 Regular Board meeting

In addition to the publicly noticed Docks & Harbors meetings, the proposed changes were advertised via Docks & Harbors Facebook, the monthly newsletter THE TIDE LINE and discussed on monthly episodes of Action Line with Pete Carran. The TBMP coordinator also notified the membership of Docks & Harbors proposed changes.

I recommend orders of the day.