

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING AGENDA
For Tuesday, January 18, 2011

- I. Call to Order** (5:00 p.m. at the **AURORA HARBOR OFFICE**).
- II. Roll Call** (Don Etheridge, Greg Busch, Jim Preston, Bob Wostmann, Mike Williams, and Cheryl Jebe).

III. Approval of Agenda.

MOTION: TO APPROVE AGENDA AS PRESENTED OR AMENDED.

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

V. Items for Action.

- 1. Proposed Changes to the Waterfront Sales Permit Regulations Public Hearing.

Presentation by Port Director

Committee Questions

Public Testimony

Committee Deliberations

MOTION: To be developed at the meeting

- 2. Resolution of Support for a visit by the USS Abraham Lincoln.

Presentation by the Harbormaster

Committee Questions

Public Testimony

Committee Deliberations

MOTION: TO RECOMMEND THE BOARD REQUEST THE ASSEMBLY TO ADOPT A RESOLUTION SUPPORTING A VISIT TO THE CAPITAL CITY BY THE USS ABRAHAM LINCOLN.

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VI. Items for Information/Discussion.

1. Harbormaster's Operations Report.

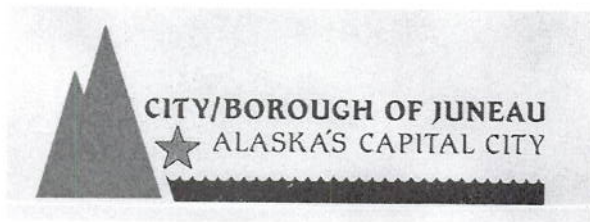
Presentation by Harbormaster.

VII. Staff & Member Reports.

VIII. Committee Administrative Matters.

1. Next Operations Committee meeting – February 15, 2011

IX. Adjournment.



City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Port of Juneau

To: Docks and Harbors Patrons
CC:
From: John M. Stone, P.E. Port Director
Date: December 21, 2010
Re: Proposed Changes to Waterfront Sales Permit Regulations

The Docks and Harbors Board is proposing to amend the waterfront sales permit regulations listed in 05 CBJAC 10. The Board is proposing changes to sections of the regulation dealing with the prohibition of owning more than one permit, the section dealing with allowable signage on the sales booths, and the section dealing with behavioral conduct of persons selling tours at the booths.

Interested persons may obtain a copy of the proposed regulations at any of the harbor offices, at the CBJ libraries, at the CBJ Clerk's Office, and online at www.juneau.org/harbors/proposed_regulations.php

The Board is holding public hearings on the proposed changes on January 18, 2011 at 500 p.m. in the Aurora Harbor Office and on January 27, 2011 at 7:00 p.m. in the CBJ Assembly Chambers. Written comments may also be submitted to the Port Director's Office by fax at (907) 586-0295, by hard copy at 76 Egan Drive, and online by web form at the above web address.

The Board intends to take final action on the regulations immediately after the public hearing on January 27, 2011. This action is not expected to cause an increased appropriation of general funds.

Interested persons may obtain more information by calling Port Director John Stone at 586-0294.

Attachment

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Title 05, Chapter 10 Waterfront Sales Permits

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

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, 85.02.100, and 85.20.010.

Section 2. Amendment of Regulations. The City and Borough of Juneau Administrative Code is amended by the repeal and replacement of subsection 05 CBJAC 10.030(f) (3); and the amendment of subsections 05 CBJAC 10.040(c) (2), (3), (4), and (5), reading as follows:

City and Borough of Juneau Administrative Code Title 05: Docks and Harbors Chapter 10: Waterfront Sales Permits

05 CBJAC 10.030 Permit duration, reissuance options, transferability, refunds, actively sell requirement, eligibility, number of permits available.

Repeal 05 CBJAC 10.030(f) (3) in its entirety and readopt as follow:

...

(f) *Permit eligibility and requirements.*

...

- (3) ~~No person shall have an interest in more than one permit. As used in this section, "interest" means an equity interest in a permit or in a legal entity owning a permit, which interest is held by the person or a spouse, minor child, dependent, or a regular member of the person's household, but does not include the financial relationship between a permit holder and a tour provider for whom the holder sells tours. This subsection only applies to tour sales and tour broker permits.~~

No person shall have an ownership interest in more than one tour sales or tour broker permit, meaning the person shall not

pay for the operation of another permit holder's sales booths, direct the activities of another permit holder's sales booths, or in any way financially contribute to the purchase of more than one permit. A permit holder that operates tours may have its tours sold by another permit holder, provided the permit holder operating the tour does not direct the activities of the other permit holder's sales booths or obtain any financial benefit from the other permit holder's sales booth other than that provided by the sale of the tour.

...

05 CBJAC 10.040 Tour sales permits.

Amend 05 CBJAC 10.040(c) (2), (3), (4) and (5), to read as follows:

...

(c) *Tour sales area rules.*

...

- (2) A permit holder shall not have more than one representative selling tours at *any of its a* booths. A permit holder shall *make their best effort to* maintain a presence at its booths during all hours when cruise ship passengers are likely to purchase tours in a sales area. *The permit holder shall provide the port director with a list of all individuals that will sell tours at its booths and, if requested, staff identification documentation, booth staffing schedules, and other documentation necessary to demonstrate the permit holder complies with this requirement.*
- (3) The permit holder shall provide the port director with a list of all tours sold by the permit holder *pursuant to their permit, including the name of the company providing the tour.*
- (4) The permit holder may display ~~one~~ *two* large signs on ~~the~~ *a* booth provided the signs does not extend beyond the front profile of the booth. The permit holder may also display a one-foot by one-foot sign for each tour the permit holder sells. These signs may not extend more than six inches beyond the front profile of the booth.

- (5) The permit holder shall not engage in hawking *or disruptive behavior* nor shall the permit holder interfere with the operations of other sales booths.

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 December 22, 2010, 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: _____

John M. Stone, P.E.
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: _____

John W. Hartle
City Attorney

Assembly Review

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

Date: _____

Laurie J. Sica, Clerk

Filing with Clerk

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

These regulations were accepted for filing by the office of the clerk on the ____ day
of _____, _____.

A permanent file of the signed originals of these regulations will be maintained in
this office for public inspection.

Effective date: _____.

Date: _____

Laurie J. Sica, Clerk

CURRENT REGULATIONS

the notice is not so received, if application is not made, or if for any other reason the permit is not reissued, the director may consider the permit, including any remaining reissuance periods, as forfeit and either available for issuance to others or withdrawn from any issuance.

(D) Reserved.

(E) These regulations apply to any permits and reissuance options authorized by 05 CBJAC 10.010--10.090.

(c) *Transferability.*

- (1) A permit, other than a limited loading permit, may be transferred, together with any reissuance options, provided that such transfer includes the transferor's entire business interest in activities conducted under the permit. The transferor's business interest includes all assets used in the business conducted under the permit.
- (2) No permit may be leased or rented, nor may the permittee allow the permit to be used by any person who is not an employee of the permittee.
- (3) A transferred permit is not valid until it has been approved and reissued by the director.

(d) *Refunds.* No permit fees shall be refunded after the issuance of a permit.

(e) *Reserved.*

(f) *Permit eligibility and requirements.*

- (1) To be eligible to bid on a tour sales or tour broker permit, the permit applicant must:
 - (A) Hold a current Alaska business license, and
 - (B) Maintain a place of business under the name on the Alaska business license within the boundaries of the city and borough.
- (2) Any person holding a permit must maintain a year round place of business and mailing address in the City and Borough of Juneau, Alaska, and must designate a single individual by physical address, mailing address and phone number in Juneau upon whom service of notices and legal proceedings may be made. Service of any notice concerning the permit to that person shall be legal and sufficient notice to any of the holders, owners or any other with an interest in the permit. The director must be notified in writing no less than ten days before there is a change in the name, address or phone number of the designated person for a permit. Failure to timely notify the director shall be considered a violation of the permit conditions.
- (3) No person shall have an interest in more than one permit. As used in this section,

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"interest" means an equity interest in a permit or in a legal entity owning a permit, which interest is held by the person or a spouse, minor child, dependent, or a regular member of the person's household, but does not include the financial relationship between a permit holder and a tour provider for whom the holder sells tours. This subsection only applies to tour sales and tour broker permits.

- (4) Tour sales permit holders and tour broker permit holders must actively sell during the tour season. "Actively sell" means that the permit holder either derives a significant portion of its income from sales made through a tour sales or broker's permit, or that the permit holder is making substantial use of the permit.

- (g) *Number of permits available.* The director shall publicly announce the number, type and schedule for application for permits.

(01/19/98; Amended 5-2-2000, eff. 5-16-2000; Amended 6-26-2010, eff. 7-29-2010)

05 CBJAC 10.040 Tour sales permits.

A tour sales permit authorizes the solicitation and sale of tours and experiences.

- (a) *Application process and permit award.*

- (1) *How to apply.* No later than December 1, of each year, the port director will publicly announce an application period for tour sales permits. The notice will include a description of how to apply for a permit, the number and type of permits available, and the process that will be used to award the permits. Persons must apply on an application form provided by the port director and must include all required information and attachments.
- (2) *Application review.* The port director will review each application to determine if it is complete. The port director will reject incomplete applications. The port director will review complete applications to determine if the applicant meets the permit eligibility requirements set out in 05 CBJAC 10.030(f).
- (3) *How the permits are awarded.* The port director will award the permits by public outcry auction. The minimum bid for a permit is \$5,000.00. Applicants meeting the permit eligibility requirements set out in 05 CBJAC 10.030(f) will be allowed to bid on a permit provided the applicant posts a \$5,000.00 bid bond payable to CBJ. The applicant must agree to forfeit the bid bond in the event the applicant does not honor a winning bid on a permit.

- (b) *Permit requirements.* The port director may issue permits and require permit holders to comply with stipulations as necessary to assure compliance with applicable requirements of this chapter and the Maritime Transportation Security Act of 2002. Permit holders shall also comply with the prohibitions set out in 05 CBJAC 10.020, the tour sales area rules set out in 05 CBJAC 10.040(c), and the general operating requirements set out in 05 CBJAC 10.070.

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(c) *Tour sales area rules.*

- (1) A permit holder shall only sell tours in a booth provided by the port director. The port director will provide booths at the Steamship Wharf Plaza, the Visitor's Center Lot, and the Columbia Lot sales areas. The port director reserves the right to relocate or close booths as required for public safety, security, or other good cause. The booths at each sales area will be assigned by lot. In order to assure equitable exposure for each permit holder, the port director will cause the permit holders to shift one booth on each day of operation. A permit holder shall only occupy the booth assigned by the port director.
- (2) A permit holder shall not have more than one representative selling tours at a booth. A permit holder shall maintain a presence at its booth during all hours when cruise ship passengers are likely to purchase tours in a sales area.
- (3) The permit holder shall provide the port director with a list of all tours sold by the permit holder.
- (4) The permit holder may display one large sign on the booth provided the sign does not extend beyond the front profile of the booth. The permit holder may also display a one-foot by one-foot sign for each tour the permit holder sells. The signs may not extend more than six inches beyond the front profile of the booth.
- (5) The permit holder shall not engage in hawking nor shall the permit holder interfere with the operations of other sales booths.

(01/19/98; Amended 5-2-2000, eff. 5-16-2000; Amended 1-7-2008, eff. 1-15-2008)

05 CBJAC 10.050 Reserved.

Editors Note: Regulation adopted January 7, 2008, effective January 15, 2008, repealed 05 CBJAC 10.050, which pertained to tour broker permits.

05 CBJAC 10.060 Loading permits.

No person shall operate, park, stand, or stop a commercial vehicle, or cause or direct the same, within the designated loading zones in the downtown waterfront area except as authorized by a permit issued hereunder. Vehicular use of designated loading zones for commercial purposes without a permit is a violation of CBJ 85.25.090(11).

(a) *Application process.*

- (1) Application forms for loading permits will be available at the Harbor office between April 1 and October 15.
- (2) Applications must be made on the form provided by the department, and must be complete, including all required attachments. Any incomplete application will not be considered for a permit.

(b) *Permit requirements and conditions of operations.*

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of all litter accumulating there during the course of their activities.

(c) Permittees shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee's activities, including the cost of litter abatement.

(d) No permittee may store equipment or supplies in the downtown waterfront area except as approved by the director in advance.

(e) Permittees shall prominently display the permit issued pursuant to these regulations, as well as all other required permits and licenses, at all times during their activities hereunder.

(f) Permittees may not engage in hawking or make an unreasonably loud noise. Written information may be distributed to interested parties only when requested.

(g) Permittees, as a condition of receiving a permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City and Borough of Juneau from any and all claims for injury or damage to persons or property suffered in connection with the permittee's activities unless such injury or damage is caused by the gross negligence of the City and Borough of Juneau.

(h) Prior to issuance of a permit, the prospective permittee must provide the department with a broker's certificate of insurance showing that the permittee has obtained at least \$500,000.00 or, in case of courtesy vehicles, \$300,000.00, of public liability insurance. The certificate must establish that the City and Borough is named as an additional insured on such policy, and that the insurer thereof shall notify the City and Borough if the policy is modified, canceled, or terminated. Vehicles operated under and in conformity with CBJ Chapter 20.40 are exempt from the requirements of this subsection.

(i) Permit holders are responsible for compliance with permit conditions. Any entity or person listed on a permit issued to a partnership, joint venture or other form of association or joint ownership, shall be deemed to be jointly and severally liable for any violations of these regulations by any person operating under the permit.

(01/19/98)

05 CBJAC 10.080 Enforcement and penalties.

(a) The port director may summarily suspend a permit issued under 05 CBJAC 10 without a hearing for a period not to exceed ten days if any activity conducted under the permit presents an immediate danger to the public health, welfare, or safety.

(b) The port director may suspend a permit, revoke a permit, deny a permit, deny the reissuance of a permit, or deny the ability to bid on a permit under 05 CBJAC 10 after an informal hearing before the port director and upon written findings that the permittee or applicant has violated these regulations, engaged in fraud or gross negligence, or misrepresented the nature and substance of a tour product.

(c) The port director shall conduct the hearing called for in 05 CBJAC 10.080(b) as follows:

(1) The permittee or applicant shall be provided with at least ten days notice of the hearing. The

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notice shall include a brief statement of the facts giving reason for the proposed suspension, revocation, or denial.

- (2) The permittee or applicant shall have an opportunity to be heard at the hearing and shall have the right to call or cross-examine witnesses.
- (3) Relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence, but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action.
- (4) The hearing shall be recorded by audio tape.

(d) The port director shall issue a written decision. The permittee or applicant may appeal the port director's decision to the docks and harbors board by filing a notice of appeal, setting forth the reasons for the appeal, with the port director within ten days of the director's decision.

(e) A permittee whose permit is revoked loses all rights and privileges under that permit, shall deliver copies of the permit to the port director, and may not apply for a new waterfront sales permit for a period of one year after the revocation. In addition, for a period of one year after revocation, no application for a waterfront sales permit shall be approved for an applicant who was an owner, operator, partner, director, manager, officer, assignor, or transferor, of any operation or business which required a waterfront sales permit, regardless of its form of legal entity, if the waterfront sales permit for that operation or business was revoked.

(f) Failure to follow any permit condition is a violation of CBJ 85.25.090, and may carry a fine of up to \$300.00 for each instance of a violation.
(01/19/98; Amended 4-24-2006, eff. 5-2-2006)

05 CBJAC 10.090 Definitions.

As used in this chapter:

"Courtesy vehicle" means a vehicle owned or operated by a business and used to transport passengers without additional charge, where such transportation is provided in conjunction with and in furtherance of a related primary business purpose or enterprise of that person.

"Department" means the City and Borough of Juneau Docks and Harbors Department.

"Director" means the port director or the port director's designee.

"Downtown waterfront area" and "facility" means that property owned by the City and Borough of Juneau located adjacent to the city cruise ship wharves, which is under the regulation of the Docks and Harbors Department and/or the Parks and Recreation Department. This includes all public spaces, loading zones, parking areas, and any wharves or trestles or portions thereof designated for enforcement hereunder by

John Stone

From: Steve Corporon [STEVEC1@city.ketchikan.ak.us]
Sent: Thursday, December 23, 2010 8:37 AM
To: John Stone
Subject: RE: Waterfront Sales Permits

John: I concur with your final sentence. As long as there aren't any big blowups, we have been satisfied with having the vendors supply us with a list of employees. We don't really want a bunch of sensitive financial documents to keep track of either. sc.

>>> John Stone <John_Stone@ci.juneau.ak.us> 12/22/2010 2:48 PM >>>
Steve,

Thanks for your help.

Have you given any thought to what would constitute a "certified payroll"?

As you know, this term is usually used as part of the Davis Bacon Act and contractors working on public projects are quite familiar with submitting certified payrolls.

The State of Alaska Department of Labor requires quarterly submissions of payroll information so they can collect unemployment taxes, though this is limited to "employees" as defined under the state labor laws.

The IRS requires reporting of salary information for employees and contractors though they define employee and contractor differently than the state unemployment laws.

Finally, I guess a permit holder could submit a payroll report and certify that it is true, complete, and accurate.

To tell you the truth, I really don't want to have a bunch of payroll information laying around the office with people's social security numbers, etc. that is subject to FOIA requests.

John

-----Original Message-----

From: Steve Corporon [mailto:STEVEC1@city.ketchikan.ak.us]
Sent: Wednesday, December 22, 2010 10:49 AM
To: John Stone
Subject: Re: Waterfront Sales Permits

John: Our code allows us to collect the payroll tax information but we have not required it recently. We have requested vendors provide at a minimum a list of employees. Some of them give us the payroll tax information as the list, some provide a simple list. We have told them that if we start having problems they are obligated to provide the payroll tax info if we request it. sc.

Steve Corporon
Port & Harbors Director
City of Ketchikan
(907) 228-6049

>>> John Stone <John_Stone@ci.juneau.ak.us> 12/22/2010 9:26 AM >>>
Steve,

As you predicted, Mr. Fanning showed up with a memo from City Attorney Steve Bradford (excellent memo by the way). Mr. Fanning gave the impression that Ketchikan is routinely collecting "monthly certified payrolls" from the permit holders. This seemed to be counter to what we discussed on the phone yesterday, i.e. Ketchikan has not required the

submission of "certified payrolls." Can you provide me a statement that I can provide to my Board on what you are doing in Ketchikan?

Thanks,

John




334 Front Street
Ketchikan, Alaska 99901
Phone 907-228-5611
Fax 907-247-2111

Stephen Bradford
City Attorney

MEMORANDUM

TO: Mayor Williams
Members of the City Council
Karl Amylon, City Manager

FROM: Stephen Bradford, City Attorney 

RE: Dock Vendor Program
Sharing of Financial/Management Interests

DATE: August 27, 2010

The Dock Vendor Program, as memorialized in the current agreements, stipulates that a Dock Vendor can have a financial and/or management interest in only one of the six Dock Vendor businesses. For purposes of the agreement, the “exchange or sharing of vehicles, employees and other business expenses shall ... be considered a financial and/or management interest in more than one Dock Vendor business” and is prohibited.

From my review, it appears a primary purpose for this restriction is to prevent collusion among the businesses to reduce the rent paid on a bid basis.

Another requirement of the agreements is that each Dock Vendor is to provide the City Manager a list of its “employees” who will be selling from the dock booths by May 1st of each year, and is to provide certified payroll on at least a monthly basis. The agreement stipulates that an individual employed by one Dock Vendor “shall not be employed, under the employment, a contractor or an agent of more than one Dock Vendor.” This provision of the agreements requires that the individuals selling for a Dock Vendor be actual employees, on a payroll, and not merely commissioned independent sales reps. Furthermore, those employees cannot receive any sort of compensation or other remuneration from another Dock Vendor, even as a “second job”.

Questions have arisen over whether one Dock Vendor can sell the tours of another Dock Vendor. My opinion is that this is allowed, provided the transaction is at "arms length" and the Dock Vendor provides evidence that the sale is clearly described to the customer and is on the same commission basis as any other tour sale. For example, it would be ok if Dock Vendor A sells a tour offered by Dock Vendor B, the customer understands it is a tour provided by Dock Vendor B, and is paying the regular market price for a Dock Vendor B tour. Where a violation would arise is if Dock Vendor A sells its own Dock Vendor A tour, but then puts that customer on a Dock Vendor B vehicle or tour. That would constitute a sharing of personnel and/or equipment that is not allowed.

It has also been asked whether the various Dock Vendors can cooperate/share on transactions and expenses on Berth IV. The City does not control the activities of the vendors on Berth IV. However, it would appear clear that an employee of one Dock Vendor cannot receive compensation from another Dock Vendor, even for activities that occur solely on Berth IV. I also believe it would violate the intent of the agreements if Dock Vendor A is allowing Dock Vendor B to use its employees, vehicles or other business assets on Berth IV, or anywhere else on the island. As a practical matter, however, this is hard for the City to regulate and enforce, and it is essentially relying on the good faith and honesty of each Dock Vendor.

Under the agreements the Dock Vendors are allowed to sell only tours, and "no other service". The definition of a "tour" is to be fairly widely applied, and includes "bus tours, charter fishing tours, flight seeing, kayaking and other tours." The sale of any souvenirs or other merchandise is prohibited. It is my opinion that the agreement does not allow the sale of coupon books or discounts for other tours, goods and services.

It would appear that as presently written, the agreements do not prohibit the sale of tours at other ports of call. This does, however, give rise to questions about the collection of sales tax. It is my understanding that presently, the Dock Vendors who sell a tour in another location (such as Juneau) are remitting sales tax on the commission portion of the sale retained by the local vendor, and the sales tax for the balance of the cost of the tour is being remitted as a Juneau transaction.

Enforcement: The agreements give the City the right, upon 1 day notice, to terminate, suspend or restrict a Dock Vendor's rights to use the dock if there are violations. "Depending on the severity of the violation, Dock Vendor rights will normally be suspended for one week for an initial violation, suspended for one month for a second violation and terminated upon a third violation."

As the season is approaching its end, the City has the option of either renewing the existing agreements or put them out to bid. In anticipation of significant dock improvements/construction to occur after the 2011 season, it may be best to renew the existing agreements, with an anticipated re-consideration/re-write of the entire program and putting the booths out to bid for the 2012 season.

Suggestions for the Council to consider upon renewal of the agreements:

- 1) Since it is Ports and Harbors personnel that are most familiar on a daily basis with the dock vendor employees working on the dock, I recommend the list of employees and certified monthly payroll be submitted to P&H rather than the Manager.
- 2) If the "sharing of vehicles, employees and other business expenses" is an important consideration, I recommend the renewal agreement expressly state that the prohibition applies to all business activities of the Dock Vendors, whether on the Dock or elsewhere.
- 3) I recommend the renewals expressly state that placing customers on another Dock Vendor's tour/vehicles is prohibited without full disclosure to the customer and an arms length transaction between vendors.

EXHIBIT B
TERMS AND CONDITIONS OF THE DOCK VENDING PROGRAM

1. City of Ketchikan Code of Ordinances. **DOCK VENDOR** acknowledges reading City of Ketchikan Code of Ordinances, Title 1 Chapter 1.02 and Title 13 Chapter 13.09, and fully understands the provisions thereof and is satisfied herewith.

Title 1
GENERAL PROVISIONS
CHAPTER 1.02
VIOLATIONS

1.02.040 Violations--Penalty. (a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, unless provision is otherwise herein made, shall upon conviction thereof be punished by a fine of not more than five hundred dollars. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and shall be punished accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by this city, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense. (Ord. 1530 §1, 2005; Ord. 744 §2, 1971; Ord. 723 §1, 1970)

(b) In addition to any fines or other penalties imposed under this code, any person violating any of the provisions of this code shall pay any surcharges required by law. Such surcharges shall be collected in the same manner as fines unless or by such other means as may be practical. (Ord. 1403 §1, 1998)

Title 13
PORT OF KETCHIKAN
Chapter 13.09
PORT RULES

13.09.010 Designated--Penalty for violation. (a) The following are the rules governing and regulating the city's dock facilities under the jurisdiction of the port of Ketchikan:

(1) The provisions of sections 10.60.040, 10.60.050, 10.60.060, 10.60.070, 10.60.080, 10.60.090, 10.60.100, 10.60.110 and 10.60.120 of this code are hereby adopted and made a part of this chapter by reference.

(2) Except as otherwise authorized by the city manager or his designee, and except as authorized in the ordinances and rules governing and regulating the dock facilities, no person shall go upon or be upon the dock facilities on any day between the hours of 10:00 p.m. on one day and 6:00 a.m. on the following day, except that during the months of June, July and August no person shall go upon or be upon the dock facilities on any day between the hours of 11:00 p.m. on one day and 6:00 a.m. on the following day; except that persons may go upon the dock facilities to park or remove vehicles. Persons in the employ of the city vested with the authority to carry out the intent of these rules, are not affected by any time restriction.

(3) It is unlawful for any person upon the dock facilities to commit an act, in a violent or reckless manner, whereby the property of any person is destroyed or damaged, or whereby the property of any person is placed in immediate danger of being destroyed or damaged.



7. Dock Vendor Conduct. **DOCK VENDOR**, its employees and agents shall conduct themselves in a manner that is not offensive to the public. All activities to sell, promote or advertise a tour(s) by the **DOCK VENDOR**, its employees or agents, including but not limited to verbal solicitation, verbal advertising or the sale of a tour(s) shall occur within the leased area. All sales or potential sales shall be predicated upon the inquiring of a potential buyer of a tour, **DOCK VENDOR** shall not verbally solicit, verbally promote or verbally advertise tours(s) until a potential buyer walks up to the Dock Vendor Booth and inquires about a tour.
8. Signage for Advertising of Tour(s). **DOCK VENDOR** may attach up to four (4) signs, not to exceed ten (10) square feet per sign, to the Dock Vendor Booth for advertising the business and advertising tours available for sale. One additional sandwich board sign, not to exceed twelve (12) square feet per side, may be placed up to six (6) feet away from the Dock Vendor Booth provided it does not interfere with or impede the normal flow of pedestrian or vehicle traffic. No banners or non-rigid vinyl signs shall be used in conjunction with the Dock Vendor Booth program. Signs shall not advertise other businesses or products not sold from the Dock Vendor Booth. Signage for advertising shall be accurate and not misleading and only depict a tour that is being offered for sale. Signs may advertise only the goods or services that are sold on the Lease Areas under the terms of this Agreement.
9. No Activities Outside of Leased Areas. **DOCK VENDOR** shall not permit any of its activities to occur anywhere on the City's property except on the Leased Areas provided, however, that Lessee might use designated loading zones for the sole purpose of loading and unloading passengers. Subject to such restrictions as the City Manager may determine, Lessee may use designated walkways and driveways for access to the Leased Area, provided that no solicitation, boarding or disembarking, sales or other activities occur. The lease area is defined as the 6' x 5' Dock Vendor Booth plus a perimeter of up to six (6) feet from the booth.
10. Employees. By May 1 of each year, the **DOCK VENDOR** shall provide the city manager with a list of all employees who will sell or provide services from the Leased Area. The **DOCK VENDOR** shall notify the city manager in advance of the names of any employees who will be hired after May 1 of each year. The city manager shall, within fifteen days of receiving the list of names, either approve of or reject any or all of the employees. Any employee who has not been approved by the city manager or who has been rejected by the city manager shall not sell or provide services on the Leased Area. The **DOCK VENDOR** shall provide certified payroll on not less than a monthly basis, payroll tax and other information to the city manager for the purpose of determining whether a person is an employee of the **DOCK VENDOR**. The city manager or his designee may at any time request information from the **DOCK VENDOR** in order to establish whether an individual selling or providing services on behalf of the **DOCK VENDOR** is an employee of the **DOCK VENDOR**. In any one week a **DOCK VENDOR** occupies a Leased Area, as defined in Section 5 above, an individual shall not be employed, under the employment, a contractor or an agent of more than one **DOCK VENDOR**.
11. Number of Personnel Allowed Within the Leased Area. No more than two (2) personnel shall be allowed to sell, broker, refer, advertise or otherwise promote tours

22 December 2010

From: Harbormaster
To: Operations Committee

Subject: USS ABRAHAM LINCOLN

Attachments: Email Correspondences with Capt Lins of USS ABRAHAM LINCOLN

1. I wish to encourage the Docks and Harbors Board to write a letter of encouragement to the Chief of Naval Operations for a port visit to Juneau for not only this year but for years to come.
2. This will let the Navy know that Juneau would encourage visits and would standby to help with logistics in any way we could.
3. I have attached a sample letter to be sent to the CNO.
4. Any questions please call 586-5255.