

**CBJ DOCKS & HARBORS BOARD**  
**OPERATIONS/PLANNING COMMITTEE MEETING AGENDA**  
**For Wednesday, October 17<sup>th</sup>, 2018**

- I. **Call to Order** (5:00 p.m. at CBJ Assembly Chambers)
- II. **Roll Call** Don Etheridge, Bob Janes, Budd Simpson, David McCasland, Dan Blanchard, James Becker, Bob Westmann, Mark Ridgway and Weston Eiler.

III. **Approval of Agenda**

**MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED**

IV. **Special Order of Business**

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

VI. **Approval of Wednesday, September 19<sup>th</sup>, 2018 Operations/Planning Meetings Minutes**

VII. **Consent Agenda - None**

VIII. **Unfinished Business**

- 1. CCTHITA Cultural Immersion Center  
Presentation by the Emily Edenshaw

Committee Discussion

Public Comment

Committee Discussion/Action

**MOTION: TO SUPPORT CENTRAL COUNCIL TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA PLAN TO RAZE THE THE FORMER ORE HOUSE BUILDING THROUGH A CONTROL BURN EXECUTED BY CAPITAL CITY FIRE AND RESCUE.**

IX. **New Business**

- 1. ~~Yankee Cove Development Lease Appraisal Rent Review~~  
~~—— Presentation by the Port Director~~

Committee Questions

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Public Comment

Committee Discussion/Action

**~~MOTION: TBD~~**

**X. Items for Information/Discussion**

1. Financial Reports

Presentation by the Port Director

Committee Discussion/Public Comment

2. Lumberman Update

Presentation by the Port Director

Committee Discussion/Public Comment

3. Strategic Planning Coordination Efforts

Presentation by the Port Director

Committee Discussion/Public Comment

4. November/December 2018 and 2019 Board Calendar Planning

Presentation by the Port Director

Committee Discussion/Public Comment

5. Title 85 Review

Presentation by the Port Director

Committee Discussion/Public Comment

6. New Visitor's Kiosk Update

Presentation by the Port Engineer

Committee Discussion/Public Comment

**XI. Staff & Member Reports**

**XII. Committee Administrative Matters**

1. Next Operations/Planning Committee Meeting- **Wednesday, November 14<sup>th</sup>, 2018.**

**XIII. Adjournment**

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**I. Call to Order**

Mr. Eiler called the meeting to order at 5:00 p.m. in City Hall Conference Room 224.

**II. Roll Call**

The following members were present: Don Etheridge, Robert Janes, Budd Simpson, David McCasland, Dan Blanchard, Jim Becker, Bob Wostmann and Weston Eiler.

Absent: Mark Ridgway

Also present: Carl Uchytel - Port Director, Gary Gillette - Port Engineer, David Borg - Harbormaster and Matthew Creswell - Deputy Harbormaster.

**III. Approval of Agenda**

**MOTION By MR. ETHERIDGE: TO APPROVE THE AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.**

Motion passed with no objection.

**IV. Public Participation on Non-Agenda Items – none**

**V. Approval of Wednesday, August 22, 2018 Operations/Planning Meetings Minutes**

**MOTION By MR. ETHERIDGE: TO APPROVE THE AUGUST 22, 2018 MEETING MINUTES AS PRESENTED AND ASKED UNANIMOUS CONSENT.**

Motion passed with no objection.

**VI. Consent Agenda - None**

**VII. Unfinished Business – None**

**VIII. New Business – None**

**IX. Items for Information/Discussion**

1. Bylaws Revision Review  
Presentation by the Port Director

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Mr. Uchytel said past Board Chair Mr. Tom Donek suggested Board members look at the Bylaws and update them. The last update on the Bylaws was in 2014. This was brought to the OPS committee meeting to help Board members understand what is in our Bylaws and if we want to make any changes. The Bylaws and Title 85 review on the agenda can be tedious. The Board members should be the ones requesting changes to the ordinances and not staff. A copy of the Bylaws and Title 85 was provided at the last Board Meeting as well, so hopefully everyone had a chance to review them. We have ordinances and non-code regulations; and any changes we make to ordinances (Title 85 and the Administrative Code) require Board approval and Assembly approval. The way we've typically done changes to ordinances and regulations in the past is by special committee. Once the special committee determined the changes they wanted, they took it to the OPS Committee and then the regular Board for final approval. Throughout the process staff works with law to make sure that anything changed is consistent with law and the city constitution. Before the Board adopts the proposed regulatory/ordinance change we have a public meeting. The public meeting is advertised in the newspaper stating what the meeting is about and any interested persons can look it up online, get a copy of changes at Docks & Harbors or at any of the public libraries. The public hearing for the change(s) would be at a regular Board Meeting and then any changes we adopt would be sent to the Assembly for their final approval. The Assembly also has their own process in approval of these changes. This is a base line of the changes as we move forward. Title 85 is really the governing ordinance of what the Board is supposed to do.

Mr. Uchytel said in his opinion, the Bylaws under Article II, Board Membership and Appointment as well as Article III, Officers, does not need any changes.

Mr. Uchytel said when he was first hired as the Port Director we had four meetings a month: Planning Committee Meeting, CIP Committee, Operations Committee and a Board. We had four meetings a month and now we have two which is a Combined Committee Meeting and a Board Meeting. We combined the standing committees and that leaves us without a separate Finance Committee meeting. How should this be address in our Bylaws? Should we delete the Finance Committee all together or leave them combined under the Operations/Planning Committee? Under Article V, Meetings, it states under regular meetings, the Board shall meet at least once a month. What happens if the Board does not meet? These are the items that Mr. Tom Donek said needed addressing under the organization.

Mr. Eiler asked if members would like to proceed with questions now or at the conclusion of Mr. Uchytel's presentation.

Mr. Uchytel continued with areas of concern.

Mr. Uchytel

- Special Committees
- Meetings – Regular Board meetings
- Under Article V. Meetings on page 3 of 8 under Article V. Meetings number 1 - Regular Board meeting. "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

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meeting. Mr. Uchytel said he finds this strange that it reads this way. We advertise for CIP and Board meetings, can we still add something that's not on the agenda at the meeting.

- Excused Absences  
There is a little confusion under the Bylaws and Title 85. We can talk about this more later.
- 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. I believe the "may" should be a "shall." If a quorum is not present can you continue and talk about non-action items? Also, if a quorum is not 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.
- Order of Business  
This could be changed if the order does not currently work.
- Telephonic Participation.  
Does this section need to be so lengthy and detailed?  
"Participation by the telephone shall be allowed only for regular, special, or committee meetings of the Board." So should telephone participation not be allowed for an executive committee meeting?
- Appeals to the Board.  
Do we need or want a formal appeals process for those that are not happy with the decisions of the staff and Port Director?
- Additional Provisions.  
Indemnification of Directors and Officers (Board Members).

Mr. Eiler said this is very helpful to both new and veteran members, and that it is important the Board be prepared to exercise provisions of our Bylaws should the need arise. He highlighted the following items for discussion:

- Finance Committee
- Addition of Agenda items
- Excused Absences
- Quorum
- Board Elections

He continued, saying action does not need to be taken today, but that there should be discussion on these issues in the future.

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Mr. Janes said in regards to standing committees, he thinks we need to go to a Committee of the Whole meeting instead of taking out the Finance Committee. Docks and Harbors finances are discussed at Board meetings where public input is received and finances can also be discussed at a Committee of the Whole meeting. He said he believes it is important that we don't obscure financing out of our radar.

Mr. Wostmann said he has a slightly different point of view. He thinks a Finance Committee is very important. There is a lot of detail involved in looking underneath the numbers and why the numbers are what they are. It can take up an awful lot of time. It seems to be more effective with a small group that is interested or has more experience and background to go through financial detail first and then bring it to the whole committee. It seems to be more efficient and quicker that way.

Mr. Janes said one of the reasons we have not held Finance Meetings is because of our current structure. Our Committee as a whole, staff, and Mr. Uchytel really fine tune things down so we don't have anything to do in our Finance Committee.

Mr. Eiler commented that staff does a good job briefing the board on department finances, which has lessened the need for Finance Committee meetings. He asked openly whether the committee should take a more granular look at our budgets, cost drivers, and business planning.

Mr. Simpson said we should keep the Finance Committee on the books so we can have meetings if necessary with a smaller committee.

Mr. Etheridge concurs with Mr. Simpson.

Mr. Becker said he would like to understand all the finances of Docks & Harbors as well as their fees and collections. He would like to know why the fees are what they are formally and what is being suggested about not having a standing finance committee and what information I can get from Mr. Uchytel. This is a much bigger operation than most people realize.

Mr. Eiler opened the topics of meeting procedure and attendance for board discussion.

Mr. Eiler brought up the issue of quorum for conducting business, and asked Mr. Uchytel to restate his comments.

Mr. Uchytel said we do keep track of attendance. It is very rare that we cancel a meeting. We did cancel in July 2018. In regards to excused absences, page 27 in your packet under Title 85. This is how the Board governs itself. In regards to attendance, Title 85 under 85.02.030 – Vacancies number three, four and five outlines if a member fails to attend regular Board meeting. The forty percent only applies to Board Meetings, not committee meetings.

Mr. Eiler brought up the issue of quorum for conducting business, and asked Mr. Uchytel to restate his comments.

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Mr. Uchytel said he understands from law if you don't have a quorum you can't do anything.

Mr. Wostmann asked what the basis for this is. In the private sector, you can continue a meeting you just can't take action. Is there a difference in a public meeting?

Mr. Uchytel, if you don't have a quorum you may be in violation of the Open Meeting Act. You can't have more than three people together without being in violation of the Open Meeting Act. If you can't take action, then you can't have a presence together.

Mr. Simpson said the reason it says "may" is if you don't have a quorum this is how a legal action can be taken. An adjournment is an actual action of the meeting and so this is just giving the Chair permission to legally adjourn a meeting where there is not a quorum and you can't do anything else.

Mr. Etheridge asked if we don't have a quorum can we even call a meeting to order.

Mr. Eiler directed members to the Board's Bylaw dealing with elections, and asked about the procedure for transition and elections.

Mr. Uchytel said at the last regular Board meeting, Mr. Etheridge should have appointed you Chair of the OPS Committee rather than having a nomination.

Mr. Wostmann asked why you can't participate by phone for an executive session.

Mr. Uchytel said an executive session is not a meeting.

Mr. Eiler opened the floor for final questions or discussion on the Bylaws. He suggested staff bring forward proposed revisions at a future meeting, and encouraged members to review the Bylaws.

**Committee Discussion/Public Comment**

Mr. Watson, Juneau, AK has a question on page 4 regarding annual board meeting. He said he doesn't recall any meetings being called an annual board meeting.

Mr. Uchytel said the annual board meeting is the Board meeting in July.

Mr. Watson had a question on appeals. If you don't have a process and I were to disagree with a decision how could I appeal to the Board? Why don't you have a formal process like the city code calls for one?

Mr. Paul Swanson, Juneau AK, this is not necessarily in the Bylaws. This is a standard complaint I have. I don't feel it's fair that harbors can double dip fees when my boat is out of the harbor for six months. The harbor is allowed to put another boat in my slip for the winter and

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then charge them for the same rate that I am already paying. I just don't think that is proper and if I were in a house I couldn't do that. I think the board should address this at some time.

Mr. Becker said other people have also mentioned that to him and that he would like to have a discussion about this at some point as well. Not necessarily tonight.

Mr. Eiler asked Mr. Uchytel if this was in the Bylaws.

Mr. Uchytel stated that it is in our Regulations.

Mr. Etheridge said he has sat through several meeting where we have discussed this issue and it was determined that the rates would have to be increased overall if harbors did not hot berth boats. If someone wanted their stall to remain empty when they weren't using it they would have to pay more to do so. The extra income is very important to harbors to keep the rates at the level they are now. This helps offset the cost of operations.

2. Title 85 Revision Review

Presentation by the Port Director

Mr. Uchytel read 85.02.010 – Board of Directors.

- Explains who the Board is.

85.02.045 – Coordination under (b).

- Mr. Uchytel said was not sure what the intent of this is.

85.02.050 – Membership associations.

- The Alaska Association of Harbormasters and Port Administrators
- Pacific Coast Congress of Harbormasters and Port Managers
- American Association of Port Authorities

85.02.060 – General Powers - specifically (4) (A), (B), (7) (A) & (C) needs updating.

- At one point harbor employees were not City & Borough of Juneau employees
- They were not on the same pay scale as city employees. A separate contract was negotiated with Harbors than the city. It caused some anxiety with Harbor employees and Harbor employees complained they were being mistreated so the Assembly removed authority from Harbors and put it under CBJ.
- Human Resources needs to annually certify that Harbors conforms to what is utilized for employees of the City Manager. We are not currently doing this.
- We are represented by CBJ legal department.
- We must go to the Assembly for any purchases exceeding \$100K. No other CBJ department has to do this.

85.02.063 – Land Management plan.



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- We do not have a land management plan. We do things and we have plans but not under the exact regulations as written by 85.02.063. This is a very high standard to meet. It would have to be contracted out.

85.02.065 – Limitation on authority.

- The City appropriates money for projects. Not sure why the language is written like it is.

85.02.070 – Reserved

- n/a

85.02.080 – Port director designated; appointment.

- No one consults with the City Manager on the Port Directors evaluation.

85.02.100 – Schedule of fees and charges.

- No discussion

85.02.105 – Port dues.

- Mr. Uchytel has asked for help in understanding port dues.
- The previous city assistant attorney did not understand it.
- All of our fees and dues need updating.
- Legal advised us not to do anything at this time.
- (c) Port dues are not head tax fees. Not sure we have a Port Development Fund.

85.02.130 – Employee Relations

- The Docks & Harbors Board does not ratify any collective bargaining agreement.
- The Port Director along with other City Directors meets with the HR Director to negotiate with the rest of the City departments and MEBA. It does not only apply to Docks & Harbors.

Mr. Eiler noted this is a very tedious process and he thinks it's worth examining all these revisions.

Committee Discussion/Public Comment –

Mr. Eiler suggested that staff identify provisions of Title 85 which are out of date and that need revisiting. Perhaps, at a future meeting they can come back with proposed changes before the end of the year.

Mr. Wostmann said he would support reviewing and addressing these issues.

Mr. Uchytel agreed to go back through the Bylaws and Title 85 and make the presentation and proposed changes.

3. Strategic Implementation

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Presentation by the Port Director

Mr. Uchytel said he has been hearing a lot about strategic planning that we do once a year. The request has been to do more ongoing strategic planning, so that is what he wants to do today. The first thing he wanted to point out is a power point presentation. When we are talking about big ideas and planning in the Southeast. Some highlights are populations in the SE are declining and have been for the last three years by about 1600 people and our seafood industry has been struggling. A bright spot is our tourism is predicting 1.36 million cruise ship passengers in 2019. That's 60K more than what was anticipated. I think we are pushing \$100 million in tourism industry wages.

The Southeast's maritime community makes up twenty four percent of all employment in the private sector. Fishing and seafood processing is down twelve percent in the last three years, tourism is up eighteen percent. Ship building is up forty one percent.

Mr. Uchytel said that it is good as a Board when are thinking big thoughts and strategic planning what the value is in Maritime.

Mr. Uchytel said that we are a member of the Pacific Coast Congress of Harbormasters and Administrators. This is the presentation I gave a year ago. There is a link to this on the latest agenda. These are national numbers and I think the things we know, and the things we need to think about - what do we do to keep our harbors full, we need to keep our eye on the ball when demographics change and boating changes, what are we going to do. How do we keep our harbors healthy? What are we going to do to keep boaters in our Harbors? We know that fishing and boating are key factors. Whale watching is a growing market. Hunting is down nationwide. Harbors and marinas are different throughout the country. If you've been to one Harbor, you've been to one Harbor. Some are struggling to fill their slips. Juneau has struggled with boats wanting to be in Auke Bay not downtown.

Jennifer Shinn said we have a very short waitlist for downtown and for specific size boats in the forty two to forty eight food range.

Mr. Uchytel went on to say that this also reflects the economy. He would like the Committee to think about the increasing age of boaters. In 2015 the average age of boaters was 55; in 2000 the age was 40. We must be thinking about age of boat owners and how to collect revenue. In 2000, 2.9 percent exited the boating community and only 2.4 new boat owners. The decrease was even more pronounced in 2017.

Mr. Eiler asked if the stats are for the Pacific Northwest or nationwide.

Mr. Uchytel said that the stats are nationwide. More people want to sell their boats. Millennials want paddle boards and kayaks.

Mr. Becker said that homeownership has the same issues with declining ownership. Millennials don't want to be tied down.

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Mr. Uchtyl said we need to be thinking about in years when we are strategic planning.

Mr. Eiler asked how much work do we have coming up.

Mr. Gillette said in the next three months not that much. We are moving forward on the Archipelago Project.

Mr. Uchtyl said we have dredging projects coming up.

**Committee Discussion/Public Comment**

Mr. Janes said he had a citizen ask him today if he had heard the Archipelago retail part would be done in 2020. How can we answer these questions?

Mr. Eiler inquired about the timing of the Board's next strategic meeting, and asked Mr. Uchtyl to poll members to check availability.

**4. Staff & Member Reports**

Mr. Uchtyl reported he was questioned by a board member if there were any late passenger for hire fees. The charter operators have a head tax in Auke Bay of \$1.50 head tax for every passenger that uses our Auke Bay docks. We have one company that is two weeks late. Everyone is else paid up; we have collected \$115K in head tax fees through the end of August.

Staff hosts post season meetings every year. Next week there will be a meeting on Wednesday at 5:30pm at the Fish House for charter operators. We will talk about operators and how to make things run smoother. And talk about Stater Harbor Phase III. Thursday at 10:00am is the meeting for the waterfront vendors and at 11:00am will be with the transportation vendors meeting. Staff will make a presentation on the Archipelago project in the Assembly Chambers.

Mr. Eiler asked for an update from those meetings to be presented at a future meeting.

Mr. Uchtyl noted that the zinc anodes at Aurora Harbor are currently being installed.

Mr. Gillette reported that staff has applied for all city permits required for the Archipelago Project. The project is scheduled to go in front of the Assembly on November 17. We are moving forward with our design and permitting. PND has the bid package almost ready to go. Our strategy is to have everything in place so when we get the IHA for marine mammals we are ready to go. To address Mr. Janes question about the original intent of the partner developer was to be able to open their stores in May of 2020.

Mr. Borg reported staff is working toward winter preparation. They have made lots of progress on repairs and decked over the old lightering float. We are making improvements and moving

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things around. The net float is at Norway Point. The ABMS Float is being worked on as we speak to fix some issues that have come up with the float. There are still some adjustments that need to be made.

Mr. Becker has a resolution he would like everyone to look at. He is a member of DIPAC and they are working on a statement of enhancement for the salmon industry. The whole industry is being challenged.

Mr. Etheridge wants to know if the resolution will be presented to the Assembly.

Mr. Uchytel wants to know what the time frame is and what is driving the resolution. What is the concern of the resolution? This all looks to pertain to the hatchery.

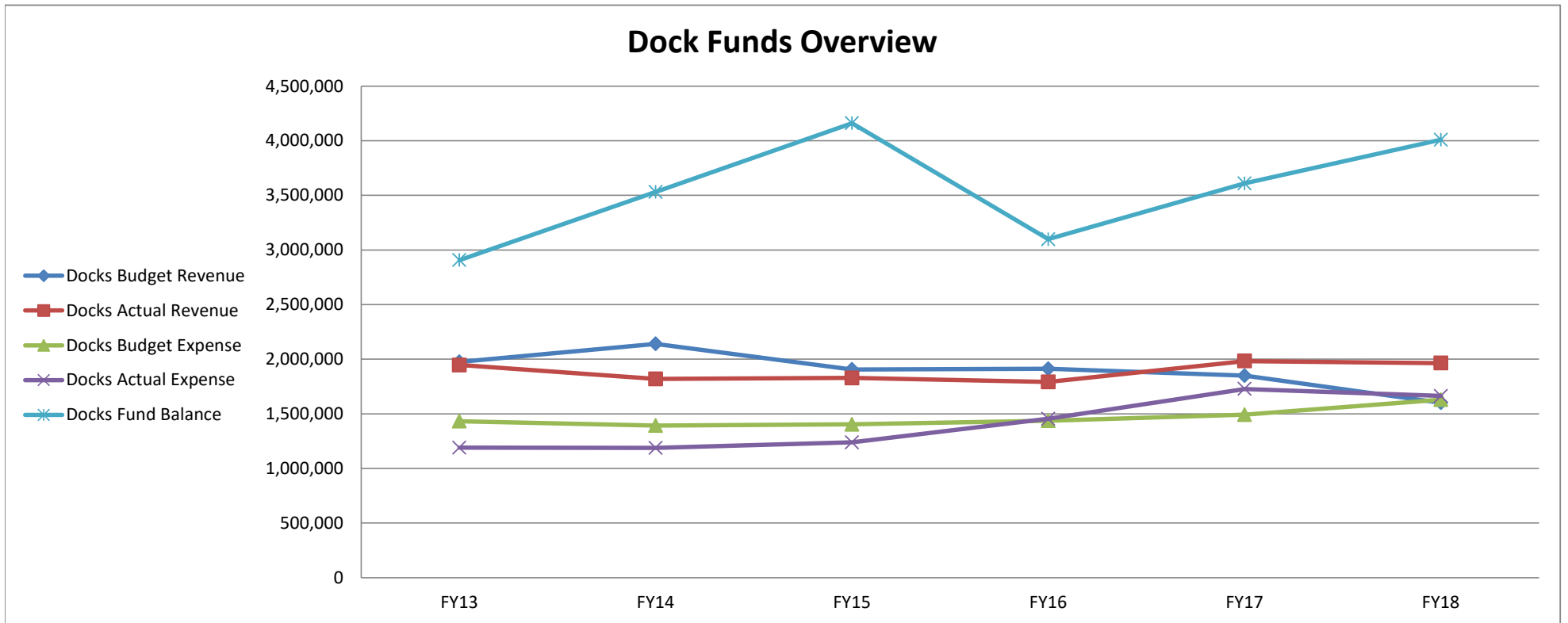
Mr. Becker said the projection at the DIPAC is going to be restricted greatly without help. It would be nice if Juneau would adopt this resolution.

**XI. Committee Administrative Matters**

1. Next Operations/Planning Committee Meeting- **Wednesday, October 17, 2018.**

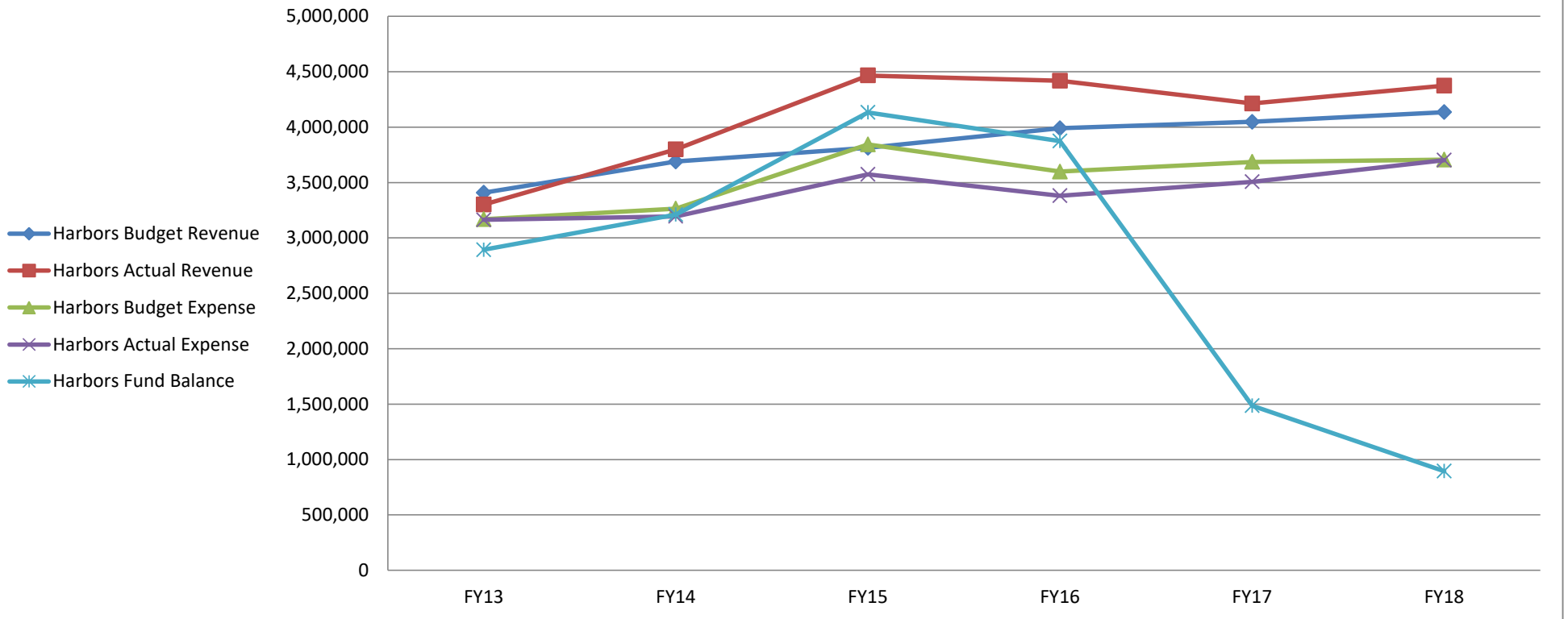
**XII. Adjournment- The meeting was adjourned at 7:15pm.**

	FY13	FY14	FY15	FY16	FY17	FY18
Docks Budget Revenue	1,974,600	2,139,400	1,906,600	1,911,500	1,849,500	1,601,900
Docks Actual Revenue	1,946,900	1,820,000	1,828,400	1,792,800	1,983,100	1,964,484
Docks Budget Expense	1,431,592	1,392,300	1,403,500	1,436,800	1,492,000	1,629,300
Docks Actual Expense	1,189,800	1,188,500	1,238,600	1,454,100	1,727,600	1,663,167
Docks Fund Balance	2,907,240	3,531,061	4,159,525	3,098,254	3,609,037	4,009,076



	FY13	FY14	FY15	FY16	FY17	FY18
Harbors Budget Revenue	3,408,942	3,689,400	3,813,300	3,990,400	4,047,900	4,134,900
Harbors Actual Revenue	3,301,200	3,800,400	4,466,300	4,418,400	4,213,000	4,374,735
Harbors Budget Expense	3,168,590	3,264,000	3,843,800	3,598,600	3,685,700	3,707,100
Harbors Actual Expense	3,163,500	3,195,000	3,574,700	3,380,634	3,507,112	3,702,155
Harbors Fund Balance	2,893,416	3,210,757	4,133,190	3,874,843	1,485,483	895,149

### Harbor Funds Overview



## FY20 Alaska Department of Transportation & Public Facility Harbor Facility Grant Ranking

Score	Tier	Project name	Grant Amount Approved
134.5	I	Angoon Small Boat Harbor	\$ 1,000,000
124.8	II	Sitka Eliason Harbor Electrical	\$ 1,500,000
104.5	II	Juneau: Aurora Ph 3	\$ 2,000,000
100.3	II	Anchorage: South Float	\$ 1,954,384
94.3	II	Ketchikan Bar Harbor North Ramp 3	\$ 627,055
86.5	II	Sitka Thomsen Harbor Pile Anodes	\$ 203,000
82.0	II	Juneau: Harris Harbor Anodes	\$ 125,000
<b>Total</b>			<b>\$7,409,439</b>

### Harbor Fund Balance Project Commitments

Amalga Fish Cleaning Station – Costs greater than \$280K (FY19)	
ABMS Shared costs with UAS	\$220K (FY19)
Aurora Harbor Phase III Design Efforts	\$400K (FY19)
Statter Harbor Phase IIIA <sup>1</sup>	\$690K (FY19)
Statter Harbor Phase IIIB <sup>2</sup>	\$600K (FY20)
Aurora Harbor Phase III Construction Match	\$500K (FY20)
Douglas Harbor Zinc Anodes	\$140K (FY20)
Harris Harbor Zinc Anodes	\$125K (FY20)
Statter Harbor Phase IIIC	\$500K (FY21)
ABMS Wave Attenuator USACE Study Match <sup>3</sup>	\$500K (TBD)

<sup>1</sup>Harbor Fund match accounted for (15%)

<sup>2</sup>Potential Land in Lieu of Funds may be leverage for 15% Harbor Fund Match

<sup>3</sup>Potential Partnerships may reduce D&H federal match with Army Corps of Engineers

## HARBOR FUNDS AVAILABLE AFTER CLOSE OUTS

Activity	Description	Budget	Commitments	Actuals	Funds Available
H51-093	Statter Harbor Loading Fac/EI	26,444,440.49	19,451.00	26,284,551.92	140,437.57
H51-100	Aurora Harbor Improvements	16,451,940.88	49,836.72	15,829,580.93	572,523.23
H51-105	Amalga FishCleaning Station	50,000.00	0.00	9,050.90	40,949.10
H51-106	Statter Harbor Breakwtr Sfty I	466,000.00	0.00	103,539.40	362,460.60
H51-108	Statter Improv-Phase III	9,890,000.00	578,262.88	845,651.36	8,466,085.76
H51-109	Taku Harbor Deferred Maintenanc	312,500.00	1,250.00	169,297.23	141,952.77
H51-115	Harris Harbor Restrooms	150,000.00	0.00	149,008.61	991.39
H51-117	ABMS Maint & Impr	250,000.00	202,700.00	48,509.40	1,209.40-
<b>TOTALS :</b>					<b><u>\$1,217,154</u></b>



# Poll "D&H Board Strategic Planning"

<https://doodle.com/poll/fe6zsc8avsk8dmmt>

	November 2018				December 2018	
	Thu 8	Sat 10	Wed 28	Thu 29	Sat 1	Sat 8
	9:00 AM – 1:00 PM	5:00 PM – 9:00 PM	5:00 PM – 9:00 PM	5:00 PM – 9:00 PM	9:00 AM – 1:00 PM	9:00 AM – 1:00 PM
Carl Uchytel	OK	OK	OK	OK	OK	OK
David Borg	OK	OK	OK	OK	OK	OK
Teena Larson	OK	OK	OK	OK		OK
Bob Wostmann	OK	OK		OK	OK	OK
Weston Eiler						OK
Don Etheridge			OK	OK		
Budd Simpson			OK	OK		
Mark		OK				
Count	4	5	5	6	3	5

# 2019

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30
														31						

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4							1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29
														30						

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28	29	30	31	29	30					

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

Operations/CIP - Jennifer
  Board - Teena

# 2019 CBJ Docks & Harbors Board Meeting Schedule

*TENTATIVE!* - Revised October 8, 2018 /maw

Jan	Wed	1/23/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	1/31/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Feb	Wed	2/20/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	2/28/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Mar	Wed	3/20/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	3/28/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Apr	Wed	4/17/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	4/25/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
May	Wed	5/22/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	5/30/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Jun	Wed	6/19/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	6/27/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Jul	Wed	7/17/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	7/25/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Aug	Wed	8/21/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	8/29/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Sep	Wed	9/18/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	9/26/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Oct	Wed	10/23/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	10/31/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Nov	Wed	11/13/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	11/21/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers
Dec	Wed	12/11/2019	OPS/Planning Committee	5:00pm-7:00pm	CBJ Room 224
	Thu	12/19/2019	Regular Board Meeting	5:00pm-8:00pm	CBJ Assembly Chambers

## Chapter 85.02 - DOCKS AND HARBORS BOARD<sup>[1]</sup>

Footnotes:

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**Charter reference**— Docks and harbors board, § 3.21.

**State Law reference**— Port facilities grants, § 30.15.010 et seq.; boat harbor, dike, jetty, and breakwater facilities, AS 35.10.090 et seq.

85.02.010 - Board of directors.

There is established the ~~B~~board of ~~D~~irectors of the City and Borough ~~D~~ocks and ~~H~~arbors which shall be known as the City and Borough ~~D~~ocks and ~~H~~arbors ~~B~~board and shall consist of nine members appointed by the ~~A~~sssembly to serve without compensation for staggered three-year terms. City and Borough ~~D~~ocks and ~~H~~arbors ~~B~~board members shall serve at the pleasure of the ~~A~~sssembly. Terms shall commence on July 1. No board member, or member of a board member's immediate family or household, may be employed by the ~~Docks and Harbors Enterprise Department~~. To the extent possible, appointments to the City and Borough ~~D~~ocks and ~~H~~arbors ~~B~~board shall include persons having marine, engineering, financial, or other skills relevant to port and harbor matters. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term, the assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No member of the ~~D~~ocks and ~~H~~arbors ~~B~~board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:

- (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or
- (2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2004-08, § 10, 3-22-2004; Serial No. 2005-03(d), § 9, 6-13-2005)

85.02.020 - Organization.

The City and Borough Docks and Harbors Board shall elect annually from its members a chair and vice chair and such other officers as it deems necessary. The board may appoint such committees as it deems necessary.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.030 - Vacancies.

- (a) A vacancy in the City and Borough Docks and Harbors Board shall exist under the following conditions:
  - (1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;

- (2) If a member departs from the City and Borough with the intent to remain away for a consecutive period of 90 or more days;
  - (3) If a member submits his or her resignation to the board or Aassembly;
  - (4) If a member fails to attend three consecutive regular board meetings, unless excused by the Bboard;
  - (5) If a member misses more than 5 ~~40 percent of the~~ regular board meetings in a 12-month period; or
  - (6) If a member is removed by the Aassembly, in its sole discretion, for the convenience of the City and Borough.
- (b) For the purposes of counting attendance, a member participating telephonically in accordance with the Assembly Rules of Procedure shall be counted as present.
  - (c) The chair of the City and Borough Docks and Harbors Board shall notify the clerk's office of any vacancy on the board. Upon notification, the Aassembly shall appoint a new member for the unexpired term.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-03(d), § 10, 6-13-2005; Serial No. 2010-36, § 2, 1-10-2011)

#### 85.02.040 - Meetings.

The City and Borough Docks and Harbors Board shall meet at least once each month at a place and time to be designated by the chair.

(Serial No. 2004-03b, § 2, 3-9-2004)

#### 85.02.045 - Coordination.

- (a) The City and Borough Docks and Harbors Board shall, no later than November 30 each year, provide the assembly with a written review of docks and harbors department operations during the preceding fiscal year. The review shall include fee schedules, revenues by source, operating expenditures, customers served, and any recommended amendments to the ~~Downtown Waterfront Development Plan~~ Long Range Waterfront Plan. ~~The manager shall review and comment on the recommendations.~~
- (b) The board shall submit to the assembly committee of the whole at least semi-annually a report on port and harbor operations and pending issues.
- (c) The assembly shall appoint a member to serve as liaison to the board.
- (d) The board shall adopt safety policies acceptable to the City and Borough Risk Manager or such other officer as the manager may designate.
- (e) In emergencies, the Docks Harbor Enterprise shall, to the extent necessary to resolve the emergency, be under the control of the fire chief or such other officer as the manager may designate.
- ~~(f) Reserved.~~

(Serial No. 2004-03b, § 2, 3-9-2004; [Serial No. 2017-13, § 2, 6-26-2017, eff. 7-27-2017](#).)

#### 85.02.050 - Membership in associations.

The City and Borough Docks and Harbors Board may maintain membership in any local, state or national group or association organized and operated for the promotion, improvement or assistance in the administration of port and harbor facilities and, in connection therewith, pay dues and fees thereto.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.060 - General powers.

- (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:
- (1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, docks, ~~ferry terminals~~, boat launching ramps, and related facilities except as designated by the Assembly by resolution.
  - (2) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
  - (3) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
  - (4) (A) Within the ~~Docks~~ and ~~Harbors~~ Enterprise appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.  
(B) The Docks and Harbors ~~Department~~ Enterprise shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the Manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. ~~The City and Borough Human Resources and Risk Management Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the Manager.~~
  - (5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the Assembly by resolution as subject to Docks and Harbors Board Administration, subject to the following limitations:
    - (A) No sale, purchase, or trade of land shall be made without prior review by the ~~Planning~~ Commission and approval by the Assembly by resolution.
    - (B) Unless otherwise designated in advance by the ~~Assembly~~ by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
    - (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.
      - (i) Land shall be leased as provided in chapter 53.20, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
      - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by Title 53 of the manager may be performed by the port director.
  - (6) Shall administer the design and construction of all capital improvements on lands managed by the ~~Docks~~ and ~~Harbors~~ Board unless otherwise specified by the Assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and

federal agencies; provided, that such requests shall be subject to prioritization by the Assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.

- (7) (A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; ~~provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney,~~ and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. ~~All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.~~
- (B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the Manager or the purchasing officer shall be performed by the Port Director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the Docks and Harbors Board and thereafter to the superior court.
- (C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2006-06, § 4, 4-3-2006; [Serial No. 2013-29, § 5, 1-6-2014, eff. 2-5-2014](#) )

#### 85.02.063 - Land management plan.

- (a) After public hearing and deliberation, the ~~D~~ocks and ~~H~~arbors ~~B~~oard shall draft and forward to the ~~P~~lanning ~~C~~ommission and ~~A~~sssembly a land management plan. The plan shall address the retention, use, disposal, and development of City and Borough land under the jurisdiction of the ~~D~~ocks and ~~H~~arbors ~~B~~oard. After public hearing and deliberation, the ~~P~~lanning ~~C~~ommission shall forward its recommendation to the ~~A~~sssembly. Recommended changes to the land management plan shall be developed using the same procedure.
- (b) Development of the land management plan, or a change to the plan, shall be guided by the following principles:
- (1) Multiple use should be encouraged;
  - (2) A sound local economy will be promoted;
  - (3) Adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;
  - (4) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;
- (c) In developing the land management plan to implement the policies outlined in this section, the following issues, without limitation, shall be considered:
- (1) The supply of publicly owned lands to meet public needs;

- (2) The supply of privately owned lands to meet the private-sector needs of the community;
  - (3) The comprehensive plan, the long-term capital improvements program, and other plans adopted by the assembly;
  - (4) Restrictions created by written instruments, zoning, and state and federal regulations;
  - (5) Physical, economic, resource, population and social factors affecting the area under consideration;
  - (6) Comments of the general public, affected landowners, state and federal agencies and local advisory groups;
  - (7) Ownership patterns and waterfront development plans of private landowners and state and federal agencies;
  - (8) The development and growth patterns and potentials of different areas of the City and Borough and waterfront services that may be needed as a result of that development and growth;
  - (9) The requirements of public access to and along public and navigable bodies of water;
  - (10) The protection of other public values including recreational, scenic, wildlife, and other environmental qualities; and
  - (11) Other matters which are relevant to a land use management plan.
- (d) The plan shall contain the following elements:
- (1) Proposed land acquisitions;
  - (2) A listing of those lands to be retained for public use;
- (e) The plan shall be reviewed by the Docks and Harbors Board and the Planning Commission if a major unanticipated development affecting basic assumptions occurs, and in any case at least every five years.
- (f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the land management plan adopted above, Juneau ~~Coastal Management Plan~~, and all other adopted City and Borough land use plans.
- (g) Upon receipt of a land management plan or a change recommended by the Docks and Harbors Board and Planning Commission, the ~~A~~assembly shall consider the plan, or change, and may adopt the plan or change only after it conducts a public hearing on the matter.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.065 - Limitation on authority.

The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only as authorized in advance by the ~~A~~assembly by ordinance or resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.070 - Reserved.

85.02.080 - Port director designated; appointment.

The chief executive officer of the municipal port and harbors shall be the port director appointed by the City and Borough Docks and Harbors Board only upon the affirmative vote of a majority of the entire board. The port director serves at the pleasure of the board. For purposes of Chapter 44.05, the port



director shall have the status of a department director. The board shall establish the compensation and benefits to be provided to the port director. ~~Personnel actions regarding the port director, including hiring, evaluation, discipline, and termination, shall be after consultation with the city manager.~~

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-32(b), § 5, 10-10-2005)

#### 85.02.090 - Duties and responsibilities of port director.

- (a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:
- (1) To be responsible for carrying out all applicable laws, ordinances, rules and regulations.
  - (2) To be responsible for carrying out policies established by the board of directors.
  - (3) In consultation with the City and Borough ~~Personnel~~ Human Resources Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors ~~department enterprise~~ to the Docks and Harbors board for approval.
  - (4) To prepare an annual budget as required by City and Borough ordinance.
  - (5) To select, employ, control and discharge all port and harbor employees and such other employees as the Assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
  - (6) To prepare such reports as may be required on any phase of harbor activity.
  - (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
  - (8) To perform any other duty that may be necessary in the interest of the port and harbor area.

(Serial No. 2004-03b, § 2, 3-9-2004)

#### 85.02.100 - Schedule of fees and charges.

- (a) The board shall, by regulations adopted pursuant to CBJ 01.60, impose a schedule of fees and charges for use of ports and harbors, and facilities designated by the Assembly by resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

#### 85.02.105 - Port dues.

- (a) Every vessel carrying passengers for compensation and utilizing the port facilities, and not otherwise exempted by subsection (d) of this section, shall be assessed and pay port dues for each port visit. The port dues shall be in addition to other port facility fees and charges, provided, however, that port dues paid to the CBJ Docks and Harbors ~~Department~~ may be taken as a credit against port dues owed under this chapter. ~~Port dues shall be calculated on the basis of registered net tonnage of the vessel as follows:~~

$$\text{[Base rate per registered net ton]} \times \text{[Registered net tonnage]}$$

$$= \text{Port dues per vessel per use of port facilities}$$

- (b) Rate schedule. ~~The base rate per registered net ton shall be established by the city manager by regulation pursuant to CBJ 01.60 utilizing the services of an independent appraiser. The rate shall be the market rate for facilities with like amenities and services. The manager shall determine the~~

~~market rate every five years, or from time to time as he or she shall determine. The market rate shall then be adjusted annually by the manager based on the Anchorage Cost of Living Index.~~

- (c) Port dues collected pursuant to this chapter shall be deposited in the port development fee fund.
- (d) Exemptions. The port dues shall not apply to:
  - (1) vessels having accommodations for 12 or fewer passengers;
  - (2) vessels traveling only between the City and Borough and points within 100 miles of the City and Borough port facilities; and
  - (3) noncommercial vessels, or vessels owned and operated by the state, the United States government, federally recognized tribes or a foreign government.
- (e) Administration and disposition of port dues. The proceeds of the port dues shall be placed in the port development fee fund. The port development fund shall be used for projects that benefit the cruise industry as outlined in the long-range waterfront ~~development~~ plan as it may be amended from time to time.

(Serial No. 2005-02, § 2, 3-14-2005)

85.02.108 - Reserved.

85.02.110 - Preparation and submission of budget.

The port director shall prepare the budget in accordance with approved City and Borough procedure and format and shall submit it to the City and Borough Docks and Harbors Board for approval. The board shall modify the budget as it deems necessary and forward it to the City and Borough Manager for transmittal to the Aassembly. The operating portion of the budget submitted by board shall be for a self-sustaining operation without a general fund subsidy and with all harbor revenues and all interest earned thereon, and shall include reasonable additional revenues to fund harbor facilities replacements; such additional revenues shall be computed using accepted accounting principles and the estimated remaining useful life of harbor facilities owned by the City and Borough. The board may include in its operating budget projections for additional revenues to provide funds for the expansion or construction of new harbor facilities in future years as well as replacement of harbor facilities leased to the City and Borough.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.120 - Other fiscal matters.

All other fiscal matters, including custody of and expenditure of funds, accounting and collection, shall be governed by general City and Borough ordinance.

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.130 - Employee relations.

Employees of the harbors shall be subject to Chapter 44.10 of this Code. For purposes of that chapter, the port director is a management employee who formulates, determines or effectuates management policies. Wherever in chapter 44.10 a duty, responsibility, or authority falls to the City and Borough Manager, such duty, authority, or responsibility shall fall to the port director. ~~The City and Borough Docks and Harbors Board must ratify any collective bargaining agreement; provided, no such ratification may occur unless there are, or will be, adequate funds available to fund the initial fiscal year or portion thereof affected by the contract. The contract ratified by the board and the employees shall be immediately submitted to the assembly for assembly ratification under section 44.10.120.~~

(Serial No. 2004-03b, § 2, 3-9-2004)

85.02.140 - Reserved.

## 85.05.010 - Definitions.

Whenever the following words and terms are used in this title they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise:

*Aircraft* means aircraft of every kind or description which is able to alight upon or take off from water.

*Assembly* means the assembly of the City and Borough.

*Aurora Harbor* means that area of tide and submerged lands south of Norway Point which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1963 and 1964 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

*Board and board of directors* mean the docks and harbors board.

*Boat harbor* means all facilities and appurtenances of Harris Harbor, Aurora Harbor, the Douglas Harbor, and the Don D. Statter Harbor Facilities at Auke Bay, all additions and improvements thereto, and the waters of Harris Harbor, Aurora Harbor, the Douglas Harbor, the Don D. Statter Harbor Facilities at Auke Bay float and dock, the entrances and exits of Harris Harbor, Aurora Harbor, and the Douglas Harbor and municipal wharves.

*Boats* means all vessels, ships, boats, skiffs and watercraft of every kind and description, and aircraft using or present in the boat harbor. The essential element of a boat is that its purpose and use is navigation as a means of transportation.

*City and Borough* means the City and Borough of Juneau, Alaska.

*Derelict* means any boat moored or otherwise located in the boundaries of the Juneau boat harbor facilities which is forsaken, abandoned, deserted or cast away, or which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

*Douglas Harbor* means that area of tide and submerged lands located north of the Bureau of Mines jetty which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1962 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

*Finger floats* means numbered or lettered floats attached and connected to the master floats. All floats, now or hereafter installed, whether or not so connected with master floats, shall be suitably identified.

*Float* means a nonfixed pier.

*Harris Harbor* means that area of tide and submerged lands located between the Juneau-Douglas bridge and the University of Alaska Southeast Marine Technology Center which was dredged and constructed as a boat harbor by the United States Corps of Engineers in 1940, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

*Houseboat* means a dwelling built upon a barge, log raft or similar floating structure, constructed for habitation, and for which no other reasonable use appears or can be demonstrated.

*Imminent danger of sinking* means any condition where the lack of, or the failure of a pump or of power to the pump would materially contribute to the sinking of the vessel within 24 hours of such failure.

*Master floats* means the main or master floats reached by ramps from the dock or wharf approaches. All master floats shall be suitably identified.

*Municipal wharves* means Douglas Wharf, Juneau Fishermen's Terminal, Ferry Dock Wharf, Juneau Cold Storage Wharf, and the Alaska Steamship Wharf.

*Port* means those facilities located on the downtown waterfront, including the ferry terminal and lightering docks, which are not included under the term "boat harbor" and which are used for commercial purposes related to marine shipping, transportation, and tourism.

*Port director* means the duly appointed port director of the City and Borough.

*The Don D. Statter Harbor Facilities at Auke Bay float and dock* means those certain float and all facilities and appurtenances thereto, leased from the state, which are located in Auke Bay.

*Transient vessel* means any boat or vessel with a home port outside the City and Borough which has not occupied rented mooring space for more than 150 days.

(CBJ Code 1970, § 85.05.010; Serial No. 71-44, § 4, 1971; Serial No. 95-05am, § 5, 1995)

**Cross reference**— Definitions generally, CBJ Code § 01.15.010.