

AQUATICS BOARD MEETING AGENDA

Tuesday June 22nd, 2021

Teleconference/Zoom Meeting

at 5:00pm

Statement of Philosophy:

Create Community through People, Pools and Effective Swim Programs

- A. Call to Order
- B. Roll Call
- C. Agenda Changes
- D. Approval of minutes from March meeting.
- E. Public Participation on Non-Agenda Items
- F. Staff Report
- G. Old Business
- H. New Business
 - a. Board Member Terms
 - b. CIP Update
- I. Board Comments & Standing Agenda Items
 - a. Commercial Use Regulations
 - b. Subcommittee Reports
- J. Adjournment
- K. **Next Board Meetings :**
 - a. 07.27.21

MINUTES
AQUATICS BOARD
Tuesday, April 27, 2021
City & Borough of Juneau – Zoom Conference

Statement of Philosophy:
Create Community through People, Pools and Effective Swim Programs

- A. Meeting Convened at 5:07pm** by Chair Muldoon.
- B. Members Present:** Kristin Bartlett, Don Beard, Scott Griffith, Molly McCormick, Lena Merrell, Tracy Morrison, Tom Rutecki, Pat Watt.
Ex Officio: George Schaaf, Parks & Rec Director
Liaison Absent: Carole Triem – CBJ Assembly
CBJ Staff Present: Kollin Monahan, Aquatics Manager, Sarah Landen, Admin Assistant
Other: Some members of the public were present to address the Agenda item on Commercial Use
- C. Agenda Changes** – Add Letter to Assembly under Old Business.
- D. Approval of Minutes** –of the March 31 meeting were approved.
- E. Public Participation on Non-Agenda Items** - None
- F. Staff Report**
- Details are provided in the attachment
 - Attendance is picking up as Covid restrictions have been relaxed, and due to spring break. Busiest times at Dimond Park are 6-8pm, and at Augustus Brown 2-4pm. Visits by children to Dimond Park have increased.
 - The summer camp model used last year for swim lessons worked well and will be used again. Lessons are scheduled every day for two weeks (Monday-Thursday) which increases the retention of skills learned. A pretest will be given to each child to ensure the most appropriate grouping. Each session will have a maximum of 50 kids, with 3-4 in each grouping. Camps will begin June 7, with registration opening on May 17. After each session there will be a week’s break during which registration for the next session will open. Registration will be online only. Lobbies will reopen on May 3 for guardians to watch their children, lobby tables will be socially distanced and masks will continue to be required when in the facility. Mr. Rutecki requested that the signage for lobby area requirements be updated and clarified. Mr. Monahan will take care of that. Parents wanting to watch from inside the natatorium will need to pay the usual admission fee, or have a pass.
 - Lifeguard training classes have begun and are being well received. The April class is filled. Registration for the May 18-20 class opens on April 28. The lecture portion of the training is being done online.
 - The fixed scheduling process seems to working well, and will remain for the summer except for expanded program offerings.
- G. Old Business**
- **Commercial Use of Aquatics Facilities.**
 - The Board reviewed the revised draft regulations. Ms. Watt referred to Section 11 CBJAC 01.050, Permit fees. She felt that it would be an un-needed burden to have private teachers collect pool admission fees from swimmers and then submit them to CBJ. After discussion, Ms. Watt moved that the first sentence under (c) be restated as “Standard admission fees shall be paid by all participants in the

authorized activity, including the permittee” and that the first sentence under (d) be deleted. There was no objection and the amendment was adopted.

- Mr. Schaaf reviewed the regulatory process (see Attached Memo). The Assembly has empowered the Aquatics Board to adopt regulations necessary for the administration of the aquatics facilities. At its regular meeting on September 24, 2019, the Aquatics Board asked staff to draft regulations and policies regarding commercial use of municipal aquatics facilities. Pending adoption of these commercial use regulations, the enforcement of CBJ 67.01.090(i) is waived. This ordinance requires a permit for commercial use of recreation facilities (including pools) and provides a \$300 penalty for violations.
 - Draft regulations and a proposed policy were introduced at the November 19, 2019 Aquatics Board meeting. The proposed regulations were finalized at the February 25, 2020 meeting and prepared for public comment. The COVID-19 pandemic struck shortly thereafter and the proposed regulations were tabled indefinitely. The Aquatics Board resumed consideration of commercial use regulations on March 30, 2021.
 - After today’s discussion, the next step is to move forward with a public comment process. Pursuant to CBJ 01.60, public notice must be provided at least 21 days before adoption of CBJ regulations. Upon completion of public proceedings, a proposed regulation is sent to the city attorney for approval as to form and regulatory authority. After considering all of the information available, the Aquatics Board may then adopt the regulation. Regulations adopted by the Aquatics Board are then subject to review by the Assembly.
 - Mr. Muldoon pointed out that these proposed regulations are in conformity with commercial use of other Parks and Recreation facilities. He asked what happens if the Board chose to not act on the draft regulations. Mr. Schaaf thought that having moved this far into the regulatory process, a non-action by the Board would mean that private lessons would no longer be permitted in the pools.
 - Ms. Morrison asked what would be the timing for implementation. Mr. Schaaf said it would take about a week to get the draft out for public notice, then the Board would need to approve them for review by the Assembly, which would take at least a month. The soonest effective date would likely be in July. The Board will need to set the fees, probably at its next meeting.
 - Mr. Rutecki inquired as to how conflicts in the use of pool spaces would be resolved. Ms. Merrell noted that the draft regulations have language in Section 01.030 that provides for placing conditions in the permits to address this. Mr. Schaaf emphasized that the regulations are more global in nature, providing for detailed requirements to be addressed through the permitting or policy process.
- **Public Comment.**
 - Madison Bargas, a swimming instructor living in the Valley spoke. She teaches at both pools and urged the Board not to make it hard for parents to get lessons. She wondered whether parents teaching their own children would be required to get permits.
 - Emily Palmer, a parent living in North Douglas spoke. She urged the Board not to make it hard to get lessons. She couldn’t see what the problem was. She suggested the Board might better work with the Assembly to exempt this activity from being considered commercial use.
 - Ms. Merrell and Mr. Muldoon summarized the Board’s point of view. Our mission is to get as many people as possible into the pools, and to make swim classes easily available to everyone who wants to learn – through **both** private and public lessons. The fact that private lessons have been informally allowed to bypass the commercial use requirement in the past is no reason not to repair the error now.

- **Board Action.**
 - Ms. Watt moved that staff be instructed to move forward expeditiously with the 21-day public comment period on the regulations as amended today, and to bring them back for final action at the next Board meeting on May 25. Motion approved.
- **Letter to the Assembly**
 - Mr. Muldoon circulated a finalized draft letter to go to the Assembly urging their support for the pools during the budget process, and to proceed expeditiously with the planned renovation of the Augustus Brown pool. The Board approved the letter

H. New Business – None

I. Standing Agenda Item - None

J. Subcommittee Reports – Mr. Muldoon urged Board members to continue advocating for the pools throughout the remainder of the budget period. Mr. Rutecki, Mr. Griffith and Ms. Bartlett emphasized the importance of the Learn-to-Swim program through the school district, and the need to expand the existing program and also make swimming a PE option for high school kids. The Augustus Brown pool is a crucial component for Harborview and JD High School students.

K. Board Comments – None

L. Adjournment – The meeting was adjourned at 6:15pm

Meeting Follow-ups:

Mr. Schaaf and Mr. Monahan to proceed expeditiously with the 21-day public comment period.

Mr. Monahan – update and clarify signage about lobby usage for non-swimmers

Mr. Muldoon – forward the letter to the Assembly.

Mr. Schaaf and Mr. Monahan – bring back next draft of commercial use policy document and draft permit fee schedule for discussion at May 25 meeting

Upcoming Meetings:

Next Board meeting: Tuesday, May 25, 5:00pm, Zoom conference.



June 22nd, 2021

Full Aquatics Board Meeting

Operations Report

Daily Attendance (May 1st - 31st)

Augustus Brown Swimming Pool

1,493 Total Visits

Monday-Friday	
5:30am-7:00am	256 Check-ins
7:00am-8:30am	96 Check-ins
2:00pm-4:00pm	438 Check-ins
4:00pm-6:00pm	370 Check-ins
6:00pm-8:00pm	108 Check-ins

Saturday	
10:00am-12:00pm	75 Check-ins
12:00pm-2:00pm	35 Check-ins

Sunday	
12:00pm-2:00pm	115 Check-ins

AGB Trends at a Glance

- Daily Usage is averaging 48 patrons
- 50% of attendance are adults (ages 18 –64)
- 28% of attendance are seniors (ages 65+)
- 10% of attendance are youth (ages 8 – 17)
- 12% of attendance are children (ages 2 – 7)

Dimond Park Aquatic Center

3,825 Total Visits

Monday-Friday	
5:30am-8:00am	752 Check-ins
8:00am-12:00pm	727 Check-ins
12:00pm-3:00pm	465 Check-ins
6:00pm-8:00pm	620 Check-ins

Saturday	
10:00am-12:00pm	323 Check-ins
12:00pm-3:00pm	296 Check-ins
3:00pm-6:00pm	204 Check-ins

Sunday	
12:00pm-3:00pm	323 Check-ins
3:00pm-6:00pm	115 Check-ins

DPAC Trends at a Glance

- Daily Usage is averaging 123 patrons
- 43% of attendance are adults (ages 18 – 64)
- 16% of attendance are seniors (ages 65+)
- 23% of attendance are youth (ages 8 – 17)
- 18% of attendance are children (ages 2 – 7)

Schedule Changes

Open Swims Resume July 6th

- Open swims at Dimond Park Aquatic Center will resume on Tuesday July 6th, 2021 (both facilities closed on July 4 & 5th). This will entail the red slide and low dive being open during open swims (July schedules attached).
- Augustus Brown Swimming Pool will continue to offer only lap swimming/water walking in the lap pool and recreation swimming in the leisure pool.

Hot Tub & Saunas Reopen

- Staff is currently planning to reopen the hot tub at Dimond Park Aquatic Center and the saunas at both facilities.
 - The hot tub will reopen once maintenance has been conducted to ensure no issues with it being offline for the last year. Staff is estimating a mid-July opening.
 - The saunas will reopen once inspection has been passed. The only item that needs addressed is whether or not to require masks for unvaccinated populations. Dependent on the masking policy for sauna use. Staff is estimation an early-July opening.

Instructional Programming

Swim Lessons

- Swim lessons have/will follow a summer camp model, where the lessons are scheduled every day for two weeks (Monday-Thursday) to increase the retention of skills learned. This will also allow operations to move children through the swim instruction process more proficiently than a typical 4-week lesson plan. Below is the tentative lesson schedule where the lesson will be scheduled in each retrospective time slot.

Summer Session 1 Pre-school Lessons June 7th – June 17th

Monday-Thursday 3:15 – 5:45pm 30 Minute Lesson

Summer Session 2 Swim Lessons June 28th – July 8th

Monday-Thursday 3:15pm – 5:45pm 30 Minute Lesson

Registration Date: June 21st 8:30am ONLINE ONLY

Cost: \$56 (\$8 per class x 7 classes)

Summer Session 3 Swim Lessons July 19th – July 29th

Monday-Thursday 3:15pm – 5:45pm 30 Minute Lesson

Registration Date: July 12th at 8:30am ONLINE ONLY

Cost: \$64 (\$8 per class x 8 classes)

Health & Safety Courses

July Offerings

Blended Learning American Red Cross Lifeguarding Course

Registration: OPEN

Course Dates/Times: July 12th – July 16th 8:30am-2:30pm

Cost: \$205 (\$45 due at Registration)

Max Capacity: 8 Participants

Location: Dimond Park Aquatic Center

Fitness Classes

- Fitness Classes are set to recommence in July, dependent on instructor availability.



Dimond Park Aquatic Center

July 2021

3045 Dimond Park Loop | 586-0839

This calendar does not include facility closures for swim meets, holidays, etc.

Effective July 6th, 2021

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Time					
5:30-6:00am	Full Lap Swim Rec Pool Open	Half Lap Swim (4 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Half Lap Swim (4 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Closed	Closed	5:30-6:00am					
6:00-6:30am								6:00-6:30am					
6:30-7:00am								6:30-7:00am					
7:00-7:30am		7:00-7:30am											
7:30-8:00am		7:30-8:00am											
8:00-8:30am		8:00-8:30am											
8:30-9:00am		8:30-9:00am											
9:00-9:30am	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Closed	9:00-9:30am					
9:30-10:00am								9:30-10:00am					
10:00-10:30am								10:00-10:30am					
10:30am-11am	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Full Lap Swim Rec Pool Open w/ Spray Features ON	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Full Lap Swim Rec Pool Open	10:30am-11am					
11:00-11:30am								11:00-11:30am					
11:30am-12pm								11:30am-12pm					
12:00-12:30pm	Closed - Maintenance	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Closed - Safety Break	Full Lap Swim Rec Pool Open	12:00-12:30pm					
12:30-1:00pm								12:30-1:00pm					
1:00-1:30pm								1:00-1:30pm					
1:30-2:00pm	Glacier Swim Club Facility Closed to Public	Glacier Swim Club Facility Closed to Public	Glacier Swim Club Facility Closed to Public	Glacier Swim Club Facility Closed to Public	Glacier Swim Club Facility Closed to Public	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	1:30-2:00pm					
2:00-2:30pm								2:00-2:30pm					
2:30-3:00pm								2:30-3:00pm					
3:00-3:30pm						Closed - Safety Break	Closed - Safety Break	Closed - Safety Break	Closed - Safety Break	Closed - Safety Break	Closed - Safety Break	Closed - Safety Break	3:00-3:30pm
3:30-4:00pm													3:30-4:00pm
4:00-4:30pm													4:00-4:30pm
4:30-5:00pm						Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Full Lap Swim Rec Pool Open	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Full Lap Swim Rec Pool Open	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Closed	Closed	4:30-5:00pm
5:00-5:30pm	5:00-5:30pm												
5:30-6:00pm	5:30-6:00pm												
6:00-6:30pm	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Full Lap Swim Rec Pool Open	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Full Lap Swim Rec Pool Open	Lap Swim (4 Lanes) Spray Features ON Red Slide OPEN Low Dive OPEN	Closed	Closed	6:00-6:30pm					
6:30-7:00pm								6:30-7:00pm					
7:00-7:30pm								7:00-7:30pm					
7:30-8:00pm								7:30-8:00pm					
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday						

Legend	
Green	Lap Swim/Open Rec
Pink	Modified Lap Swim
Blue	Lunch Bunch
Orange	Modified Open Swim
Yellow	Glacier Swim Club
Grey	Closed

Swim Descriptions	
Lap Swim/Open Rec	All 8 lanes are open for lap swimming. The leisure pool is open for general recreation.
Modified Lap Swim	4 lanes are open for lap swimming. The leisure pool is open for general recreation.
Lunch Bunch	All 8 lanes are open for lap swimming. The leisure pool is open for general recreation and the spray features are on.
Modified Open Swim	4 lanes are open for lap swimming. The spray features and red slide are on, and the low board is open.
Glacier Swim Club	Reserved for Glacier Swim Club practices. Facility closed to the public during this time.
Closed	Entire facility closed. Building must be vacated.

For the most up to date facility schedules, please visit juneaupools.org



Augustus Brown Swimming Pool

July 2021

1619 Glacier Ave | 586-0839

This calendar does not include facility closures for swim meets, holidays, etc.								Effective July 6th, 2021	
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Time	
5:30-6:00am	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Closed	Closed	5:30-6:00am	
6:00-6:30am								6:00-6:30am	
6:30-7:00am								6:30-7:00am	
7:00-7:30am								7:00-7:30am	
7:30-8:00am								7:30-8:00am	
8:00-8:30am								8:00-8:30am	
8:30-9:00am								8:30-9:00am	
9:00-9:30am	Closed	Closed	Closed	Closed	Closed	Full Lap Swim Rec Pool Open	9:00-9:30am		
9:30-10:00am							9:30-10:00am		
10:00-10:30am							10:00-10:30am		
10:30am-11am							10:30am-11am		
11:00-11:30am							11:00-11:30am		
11:30am-12pm							11:30am-12pm		
12:00-12:30pm							Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open
12:30-1:00pm	12:30-1:00pm								
1:00-1:30pm	1:00-1:30pm								
1:30-2:00pm	1:30-2:00pm								
2:00-2:30pm	2:00-2:30pm								
2:30-3:00pm	2:30-3:00pm								
3:00-3:30pm	Half Lap Swim (3 Lanes) Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Half Lap Swim (3 Lanes) Rec Pool Open	Full Lap Swim Rec Pool Open	Closed			
3:30-4:00pm							3:30-4:00pm		
4:00-4:30pm	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Full Lap Swim Rec Pool Open	Closed	Closed	4:00-4:30pm	
4:30-5:00pm								4:30-5:00pm	
5:00-5:30pm								5:00-5:30pm	
5:30-6:00pm								5:30-6:00pm	
6:00-6:30pm								6:00-6:30pm	
6:30-7:00pm								6:30-7:00pm	
7:00-7:30pm								7:00-7:30pm	
7:30-8:00pm	7:30-8:00pm								
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		

Legend	
Green	Lap Swim/Open Rec
Pink	Modified Lap Swim
Grey	Closed

Swim Descriptions	
Lap Swim/Open Rec	All 6 lanes are open for lap swimming. The leisure pool is open for general recreation.
Modified Lap Swim	3 lanes are open for lap swimming. The leisure pool is open for general recreation.
Closed	Entire facility closed. Building must be vacated.

For the most up to date facility schedules, please visit juneaupools.org

Chapter 01 - COMMERCIAL USE OF MUNICIPAL AQUATICS FACILITIES

11 CBJAC 02.010 - Policy.

The policy of the City and Borough of Juneau concerning the commercial use of municipal aquatics facilities is to:

- (a) Maintain and improve aquatics facilities for their primary use by the public;
- (b) Offer aquatics programs and lessons that respond to community needs and meet high standards for training, quality, and safety;
- (c) Establish consistent rules and conditions for the commercial use of municipal aquatics facilities; and
- (d) Charge for commercial use of municipal aquatics facilities in order to generate a fair and reasonable return for the public.

(Eff. xx/xx/xx)

11 CBJAC 01.020 - Facilities regulated.

These regulations apply to all municipally owned aquatics facilities, including the grounds of such facilities.

(Eff. xx/xx/xx)

11 CBJAC 01.030 - Permit required.

- (a) No person may conduct commercial activities in facilities subject to these regulations except as authorized by a permit issued by the ~~Director of the Parks and Recreation Department~~Aquatics Manager. A permit under this chapter is not required for activities conducted by an organization under an agreement with the City and Borough.
- (b) The ~~Director~~Aquatics Manager may issue a permit for commercial activities only upon a determination that the proposed use:
 - (1) Will not damage or degrade the facility or impair the public's enjoyment of the facility;
 - (2) Will not endanger the public health, safety, and welfare; and
 - (3) Is consistent with ~~established policies~~facility rules and standard operating procedures.
- (c) A permit may include reasonable conditions, including limitations as to time, area, equipment, parking, noise, training, certification, insurance, and other factors.
- (d) If the cumulative impact of proposed uses would exceed the appropriate level of commercial use for the facility, the ~~Aquatics Manager~~Director shall not award any permits for that facility until the following procedure is followed:
 - (1) The ~~Aquatics Manager~~Director shall notify all members of any group of applicants whose applications, taken together, propose uses that would exceed the appropriate level of commercial use for a facility. The notice shall identify the nature and extent of the impacts exceeding the appropriate level of use, and shall invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.

- (2) The applicants may re-submit their applications, which may be granted if the [Aquatics Manager Director](#) finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section.
- (3) If excess use issues remain unresolved, the [Aquatics Manager Director](#) shall determine which of the proposals offers the greatest benefit to the public and maximum value to the City and Borough. In making this determination, the [Aquatics Manager Director](#) shall consider past performance, impacts of the activity, mitigation, whether the applicants are responsive and responsible, and the policies set forth in 11 CBJAC 02.010.
- (4) The [Aquatics Manager's Director's](#) decision may be appealed to the City Manager by filing a notice of appeal with the Clerk's Office within 10 days of the [Aquatics Manager's Director's](#) decision, setting forth the reasons for the appeal. The City Manager will take up the appeal within 10 days. The City Manager's decision to deny a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).
- (e) A permit is transferable only with the permittee's entire business interest in activities conducted under the permit and only to a person who has successfully completed the permit application process. No credit will be given for any permit payments made by the previous holder of the permit.
- (f) No permit shall be issued to any person or entity delinquent in the payment of fines, taxes or other monies owed to the City and Borough.

(Eff. xx/xx/xx)

11 CBJAC 01.040 - Application process.

- (a) *General requirements.*
- (1) Applications for permits will be accepted only from persons who have the legal authority to act in accordance with the permit. All applications must be signed by the owner(s) of the business to be subject to the permit.
- (2) All applications for permits must be on forms provided by the department. Applications will not be considered unless they are complete, signed, accompanied by the applicable fee, and filed together with any required attachments or exhibits at the offices of the Parks and Recreation Department during regular business hours.
- (b) *Application information.*
- (1) *Applicant information.*
- (A) The application shall identify each individual or business entity responsible for the use intended;
- (B) The application shall include the physical address, mailing address, and phone number for each person, owner, and company responsible for the use intended;
- (2) *Proposed use.*
- (A) The application shall include a description of each proposed use, providing sufficient detail to allow the Department to determine the effect of the use on the facility and impacts, if any, to the public;
- (D) The application shall include a description of the maximum number of customers anticipated on a daily, monthly, and annual basis.
- (3) *Fees to be charged by permit holder.*

- (A) The application shall include a schedule of fees and charges to customers and a description of any collection, disbursement, royalty, commission or similar arrangements with others.

(Eff. xx/xx/xx)

11 CBJAC 01.050 - Permit fees.

(a) Application Fee

- (1) The applicant shall pay a nonrefundable fee, established by the manager, which fee is intended to recover the full cost of processing the application for a commercial use permit.

(b) Permit Fee

- (1) The applicant shall pay a fee, established by the CBJ Aquatics Board, which fee will give the City & Borough of Juneau a fair and reasonable return in light of the cost of administering the activity permitted under the permit, the impact of the proposed activity on the facility, the cost of any improvements required, and the value of the benefit conferred upon the user.

- (c) Standard admission fees shall be paid by all persons engaged in the authorized activity, including the permittee. Annual passes, employee discounts, punch cards, and other passes are valid for commercial activities.

- (d) Fees shall be calculated on a daily basis, per person. The fee shall be paid to the Department by the 15th day of each month for fees owed in the previous calendar month. All payments shall be accompanied by a completed activity report on a form provided by the Department. Fees and charges not paid by the 15th day of each month will be considered delinquent and subject to the interest provisions established in CBJ Code 1.41.

(Eff. xx/xx/xx)

11 CBJAC 01.060 - Insurance and indemnification.

Prior to issuance of a permit, the permittee must provide the Department with a broker's certificate of insurance showing that the permittee has obtained public liability insurance in the amount and for the risks determined by the risk manager of the City and Borough of Juneau for the proposed use. The certificate must establish that the City and Borough is named as an additional insured on the policy, and that the insurer shall notify the City and Borough if the policy is modified, canceled, or terminated.

Permittees, upon acceptance of 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.

(Eff. xx/xx/xx)

11 CBJAC 01.070 - Permit duration.

- (a) Permits may be authorized for a maximum of one (1) year from the date of issue.
- (b) Permits are valid only for the dates, times, activities and facilities specified.
- (c) Permits are not renewable. Issuance of a permit shall not entitle the permit holder to any priority or preferential consideration for subsequent, new, or additional permits for the same or related uses or areas. A new application must be submitted each permit period, for each permit.

- (d) The [Aquatics Manager director](#) may issue a temporary permit at any time, valid for no more than 30 days and not renewable. The application process for a temporary permit shall be the same as the other permits.

(Eff. xx/xx/xx)

11 CBJAC 01.080 - General operating requirements.

- (a) Permittees shall have a copy of the permit available for inspection while engaged in activities authorized by the permit.
- (b) Permittees are responsible for their actions and those of their agents, employees, and/or customers while engaged in permitted activities. The following operating requirements apply to activities conducted under the permit unless otherwise specified in a permit.
 - (1) Commercial use of aquatics facilities shall be limited to public swim periods.
 - (2) No advertising or solicitation is permitted within any municipal aquatics facility.
 - (3) No alterations or improvements to the facility are allowed, nor may anything be posted or signs of any kind be displayed in the facility.
 - (4) The permit holder shall promptly notify the Aquatics Manager of any accident, injury or claim relating to the permitted activity.
 - (5) The permit holder shall promptly notify the Aquatics Manager of any repair or maintenance needed within the facility, or of any conditions which constitute a hazard. The permit holder shall not make any repairs or alterations to the facility.
 - (6) Permit holders shall comply with all CBJ policies, rules and regulations; as well as all applicable state, federal, and local laws.
 - (7) Permit holders shall properly dispose of all litter resulting from their use of the facility.
 - (8) The permit holder shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee, their clients, or their use of the facility, including cleaning costs.
 - (9) No equipment or supplies may be stored at any municipal facility.
 - (10) No pets shall use an aquatics facility.

(Eff. xx/xx/xx)

11 CBJAC 01.090 - Enforcement and penalties.

- (a) A permit may be suspended by the [Aquatics Manager director](#) without advance notice for a period not to exceed ten days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety.
- (b) A permit may be suspended or revoked by the [Aquatics Manager Director](#) upon a written finding that the permittee has violated these regulations, failed to comply with permit conditions, engaged in fraud or negligence, or misrepresented the nature and substance of the commercial activity. The permittee shall be provided at least 10 days' notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The [Aquatics Manager's Director's](#) decision may be appealed to the City Manager by filing a notice of appeal with the Clerk's Office within 10 days of the [Aquatics Manager's Director's](#) decision, setting forth the reasons for the appeal. The City Manager will take up the appeal within 10 days. The City Manager's decision to deny a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).

(Eff. xx/xx/xx)

11 CBJAC 01.100 - Definitions.

As used in this chapter:

"Commercial use" [and] "commercial purpose" mean the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration. The term includes a service offered in conjunction with another sale of goods or services whether or not it is incidental to, advertised with, or specifically offered in the other sale. All instruction, lessons, classes, and other services are commercial activities if any payment or valuable consideration through barter, trade, cash or other commercial means is required, expected or received.

"Department" means the City and Borough of Juneau Parks and Recreation Department.

~~"Director" means the supervisor of the City and Borough of Juneau Parks and Recreation Department or such person as may be designated by the manager to administer these regulations.~~

"Municipal aquatics facilities" [and] "pools" mean all swimming pools and related buildings and grounds owned by the City & Borough of Juneau.

"Permittee" or "permit holder" means the business entity or its authorized representative conducting commercial activities in an aquatic facility according to a permit issued under these regulations.

"Person" means a natural person, firm, partnership, corporation, association, or other entity organized for a common purpose.

(Eff. xx/xx/xx)