

Presented by: COW
Presented: 04/01/2024
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2024-10

An Ordinance Amending Chapter 85.02 Related to the Docks and Harbors Board Roles Related to Tourism.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 85.02.060 General powers, is amended to read:

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 ~~manager~~ assembly by resolution. The board shall additionally be responsible for the day-to-day operation and maintenance of the municipal cruise ship docks, including collection and enforcement of cruise ship and passenger related rates and

1
2 fees; but not for rate and fee setting, scheduling or policy issues affecting the cruise
3 ship industry, or for issues related to the interface between industry and citizens of
4 Juneau, including the impacts of tours.

5 (2) Prior to February 1 of each year, the Board shall direct the port director to submit a
6 budget necessary for the duties outlined in this section to the manager for inclusion
7 in the municipal budget submission to the Assembly. If the manager proposes a
8 reduced budget to the assembly or if the assembly reduces the board's proposed
9 budget, then the board shall inform the assembly within 30 days of the operational
10 impact of such reductions.

11
12 (3) ~~(2)~~ Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the
13 administration of the facilities under its management.

14 (4) ~~(3)~~ Prescribe the terms under which persons and vessels may use the facilities and
15 shall establish and enforce standards of operation.

16 (5) ~~(4)~~

17 (A) Within the docks and harbors appropriation and in conformity with the rates
18 of pay established for municipal positions of similar responsibility, establish,
19 and may amend, the pay plan for harbor employees.

20
21 (B) The Docks and Harbors Department shall conform to the City and Borough
22 Personnel Management Code, the City and Borough Personnel Rules,
23 Personnel Classification Plan, and the manager's policies relating to
24 personnel. The Docks and Harbors Department shall utilize the services of
25 the Human Resources and Risk Management Department when hiring or
terminating any employee, when responding to grievances, in labor

1
2 agreement negotiation, and in substantial disciplinary matters. The City
3 and Borough Human Resources and Risk Management Director shall
4 annually certify that the Harbor Department Classification Plan conforms to
5 that utilized for employees of the manager.

6 (6) ~~(5)~~ Administer and dispose of City and Borough tideland, submerged land, and other
7 land as provided by the assembly, subject to the following limitations:

8 (A) No sale, purchase, or trade of land shall be made without prior review by the
9 assembly lands, housing, and economic development committee and
10 approval by the assembly.

11 (B) Unless otherwise designated in advance by the assembly, any lease of land
12 shall be limited to marine-related uses, and those uses accessory to tenancy
13 on the boat harbor or use of the port.

14 (C) All land transactions by the board in accordance with this section shall be
15 consistent with the land management plan.

16 (i) Land shall be leased as provided in title 53, provided that the
17 provisions of section 53.20.020 relating to a declaration of availability
18 and identification in the land management plan shall not apply.

19 (ii) For purposes of applying title 53 pursuant to this subsection (C), any
20 action required by title 53 of the manager may be performed by the
21 port director.

22 (7) ~~(6)~~ Shall administer the design and construction of all capital improvements on lands
23 managed by the docks and harbors board unless otherwise specified by the
24 assembly by resolution. The board may propose capital improvement projects to and
25

1
2 apply for funding from state and federal agencies; provided, that such requests
3 shall be subject to prioritization by the assembly with other municipal capital
4 improvement funding requests prior to application for funds. The board shall, no
5 later than November 30 each year advise the assembly of its recommendations for
6 capital improvements to be included in the six-year capital improvement plan
7 prepared by the manager.
8

9 (8) ~~(7)~~

10 (A) Shall enter into memoranda of understanding and similar agreements with
11 public agencies for port or harbor purposes. Notwithstanding chapter 53.50,
12 the City and Borough Docks and Harbors Board may negotiate and enter
13 into contracts for goods and services; provided, that all legal services shall be
14 provided by, or under the supervision of, the City and Borough Attorney, and
15 further provided that all purchases shall be consistent with the
16 requirements set forth in CBJ 53.50. All services provided by a City and
17 Borough agency other than the City and Borough Attorney shall be pursuant
18 to a memorandum of understanding or other instrument providing for
19 payment or such other settlement as the manager and the board may
20 approve.
21

22 (B) Contracts for public improvements and, whenever practicable, other
23 purchase of supplies, materials, equipment, and services, except professional
24 services and services of officers and employees of the municipality, shall be
25 subject to the competitive bidding and property standards and procedures
established in chapter 53.50, provided that the board may, for all contracts,

1
2 a class of contracts, or a particular contract, specify prior to issuance of a
3 public solicitation that for purposes of applying chapter 53.50, all actions
4 required thereby of the manager or the purchasing officer shall be performed
5 by the port director, and provided further that any appeal of any protest of a
6 contract so administered shall be from the bidding review board to the docks
7 and harbors board and thereafter to the superior court.

8
9 (C) All contracts and purchases exceeding \$100,000.00 shall require prior
10 assembly approval.

11 ...

12
13 **Section 3. Amendment of Section.** CBJ 85.02.065 Limitation on authority, is
14 repealed and reserved:

15 **85.02.065 Reserved. ~~Limitation on authority.~~**

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

19
20
21 **Section 4. Amendment of Section.** CBJ 85.02.090 Duties and responsibilities of port
22 director, is amended to read:

23 **85.02.090 Duties and responsibilities of port director.**

24 (a) The port director is responsible for the overall supervision and direction of the operation of
25 the municipal port and harbors. The authority and duties of the port director shall include
the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (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 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 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.
- (9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060(a)(1), the port director shall take direction from the city manager, or designee.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2024.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk