

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, September 20th, 2023
@5:00pm in CBJ Room 224 & Zoom meeting

- A. **Call to Order:** Mr. Ridgway called the meeting to order at 5:00pm in CBJ Room 224 and via Zoom.
- B. **Roll Call :** The following members were in attendance in CBJ room 224 or via zoom - James Becker, Don Etheridge, Paul Grant, Debbie Hart, Matthew Leither, Annette Smith, and Mark Ridgway.

Absent – Shem Sooter, and Albert Wall

Also in Attendance: Carl Uchtyl – Port Director, Matthew Sill – Port Engineer, Matthew Creswell – Harbormaster, and Teena Larson – Admin Officer.

- C. **Port Director requests for Agenda changes** – There were information items added today to the packet posted on Friday. No changes to the packet at this meeting.

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

Motion passed with no objection.

- D. **Public Participation on Non-Agenda Items** - None

- E. **Approval of Minutes**

1. August 23rd, 2023 minutes – Hearing no objection, the minutes were approved as presented.

- F. **Unfinished Business**

2. City Manager Proposed Changes to Title 85

Mr. Uchtyl said he is bringing back the documents that Mr. Watt brought to the previous Board meeting. This was brought to the meeting tonight for an opportunity for the Board to discuss the proposed changes, what they mean, and give direction to staff. He put on the agenda as an action item but there may not be any action wanted tonight.

Committee Questions

Mr. Ridgway asked Mr. Uchtyl to talk about the changes and how the red line changes will affect Docks & Harbors in the future.

Mr. Uchtyl said on page 13 in the packet is the first red line item sub-paragraph (a)(1). He said he has heard from Board members asking, “what is broken” , and “how are the proposed changes going to affect Docks & Harbors”. With the removal of “Port”, he believes the intent here is that the City Manager and the Assembly does not want Docks & Harbors doing the marketing for the Cruise Ship Docks. He believes Mr. Watt’s intent with adding the additional sentence is to remove Docks & Harbors Board from anything to do with fee structure, rate setting, scheduling, but still do the day to day operations of the cruise ships docks.

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Ms. Hart said she is trying to understand, “what is broken”, and what are we doing or not doing currently. She asked for past information in regards to the rate setting. She understands that the Assembly did not allow the rates to be increased in the past.

Mr. Uchytel said it was approximately 2005 the last time the rates were raised/changed for the cruise ship docks and they were never linked to CPI. The pushback for raising the dockage fee and the port maintenance fee is from the cruise industry saying our fees are already too high because of the \$13 head tax per passenger which is an order of magnitude greater than what we collect in the dockage and port maintenance fees. There was the lawsuit in 2017 and after the lawsuit, everything seemed to go well. Then there was the pandemic and the Board had concern for Docks & Harbors revenue. The Board was looking at ways to mitigate our losses. This is when we made a recommendation to double the dockage fees and no one with a 99801 zip code would have been affected with the change to this dockage fee. It would have affected the Yachts and the Cruise Ships. After Docks & Harbors did the hearing, the Assembly rejected the increase. The Assembly claimed Docks & Harbors did not do any public outreach. At the same time, the Board was working on doubling the live-aboard fees but that did not leave out of the Board’s purview. A year later, working with the City Manager, Docks & Harbors was able to double the dockage fees for under 200’ vessels. The intent was to leave the cruise ships alone. However, there were some cruise ships that fell into the increased fee so in 2022 the Board elected to not impose the doubling of the dockage fees on any cruise ship paying head tax. This year the Board did not take any action and the cruise ships under 200’ are paying the doubled dockage fees and paying more than the large ship dockage rates. Looking at the fees now in the rate study, for equity purposes the Board decided to raise all appropriate fees by 9%.

Mr. Ridgway commented that Title 85 is fundamental to what the Board does. He would like to request clarification from the authors of the proposed changes on “rates” affecting the cruise ships. Does this include the Whale Watching rates, etc. Is there an extension implied to specific rates in our fee structure? He would like to see better definition for the “cruise ship industry”. He asked if “scheduling” is specific to the cruise ships or what is implied with the “scheduling”. Does this refer to scheduling of other things “affecting the cruise ship industry”.

Mr. Uchytel said we do not do any scheduling for anybody. We operate public facilities and the public can use them when they want.

Mr. Ridgway commented if the City Manager wrote this and believes Docks & Harbors does scheduling, maybe there is a misunderstanding.

Mr. Uchytel said Mr. Watt knows how the scheduling is done. He has directed the Tourism Manager to negotiate with the Industry to try to have more input in scheduling. He talks about best ship, best fit at best dock.

Mr. Ridgway commented if he knows we are not doing it then why is it put in title 85 to not do scheduling.

Mr. Grant said he broke the added very long sentence down into two parts.

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“The Board shall additionally be responsible for the day to day operations and maintenance of the municipal cruise ship docks”.

“The Board shall not be responsible for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours”.

He asked for clarification on what is the “interface between industry and citizens of Juneau”? Does this affect cruise ship boarding and unboarding gate maintenance? Does it include things we may do as a infrastructure stand point that would affect the movement of passengers around the docks? Would that be included in “interface” or is that maintenance and operation. He commented that this is a poor attempt to capture a lot of stuff in one sentence that needs more definition. He said he agrees with Mr. Ridgway, why are they telling us not to do something we currently do not do. He said with how this is written, we manage the impacts on Harbors, but we are not allowed to manage the impact of tours. This could be a problem if there was a safety issue at Statter Harbor even though we manage the Harbors, we are not allowed to do anything with the tours. It states we are not allowed to “impact tours”.

Mr. Ridgway asked how many busses take tourists to whale watching each day? Do the whale watching boats all leave from our facilities and does Docks & Harbors schedule those boats?

Mr. Uchytel said there are 72 vessels engaged in whale watching.

Mr. Creswell said we have 31 to 34 inspected vessels and 10 uninspected vessels that leave from Statter Harbor. We do not schedule any boats. They pay moorage and the per passenger fee.

Mr. Uchytel said a whale watching boat can also just use the harbor for loading and unloading of passengers and aren’t required to use Statter for moorage.

Mr. Ridgway commented that the changes to title 85 could be connected to assess future control of bus traffic impact. He just wants to know the Board’s boundaries. Are they trying to say here that we are not allowed to set any policy for whale watching? Will a large part of other Harbor operations be affected by this change because of the tours that run from the Harbors? Is this just pertaining to the two cruise ship docks?

Ms. Hart commented that we are currently managing the cruise ship docks and the uplands associated with those docks. Does the words, “related facilities” address the uplands?

Mr. Uchytel said that is how he would read that. We would have the uplands parking lots except what has been designated by the Assembly by resolution. By resolution, the Assembly has said the City Manager is responsible for the Seawalk. Docks manages the Seawalk but the City Manager is responsible for it.

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Mr. Ridgway commented that this looks like an attempt to manage multiple impacts to citizens of Juneau. If they are not able to cap the amount of passengers, potentially this could be another way to manage the amount of passengers getting on the busses.

Mr. Uchytel commented Holland America/Princess tours are going to be bringing a double decker bus next year. This is one way to reduce traffic. Is the issue too many busses or emissions.

Mr. Uchytel moved to the next red lined item on page 15 in the packet. 85.02.065 Limitation on Authority is recommended to be removed. Mr. Uchytel said this suggests to him that Docks & Harbors will not have authority over the Docks & Harbors CIP projects. He does not know the end game with this removal. It may just be that the Assembly does not want the Board input on the long range waterfront plan.

Mr. Ridgway commented with striking a limitation on authority, it would initially mean to him that Docks & Harbors authority is no longer limited.

Mr. Grant said what is being stricken is that Docks & Harbors may commit CBJ to a long range port development or capital improvement plans. He commented that was not a limitation of authority but a broad grant of authority.

Mr. Ridgway commented that the limitation in that paragraph is “as authorized in advance”.

Mr. Etheridge commented that this has already been done. The Assembly made a motion to take away the Board’s authority to lease waterfront properties. This is all part of that issue with leasing property to the cruise ship industry.

Mr. Ridgway said he would like staff to provide comments on how this could affect their work with these changes.

Mr. Uchytel said we follow a process now that ends up at the Assembly level anyway. Mr. Uchytel moved to page 16 in the packet for the last red line item. An item was added, section 85.02.090 (a)(9). This is adding, “consistent with the limitations of authority on cruise ship tourism in 85.02.060A(1), the Port Director shall take direction from the City Manager. Mr. Uchytel said he already does this anyway.

Mr. Ridgway commented that this would ask the question if the City Manager believes the Board has moved in a direction that is not in alignment with overall City Management. Was there a time in the past this was an issue?

Mr. Uchytel said one thing that surprised him was the project called the Urban Design plan which was an intentional look at the area from Marine Park to Taku Fisheries after the 16B project was completed and the Archipelago property purchase. This study was to look at the area’s managed by Docks & Harbors and what can we do to increase the passenger experience along the waterfront. He understood Marine Park has always been under Parks & Rec and the Seawalk is the City Manager’s responsibility but this was looking at Docks area. After this study, Morris Communication reached out to Mr.

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Uchytel indicating they wanted to partner with Docks & Harbors. We did partner, but the Assembly took a very negative view of the partnership. The feedback Mr. Uchytel received was that this project was ramrodded through. He said in his defense, everything we do goes through the Assembly and anyone could have said they did not like what was being done. This was a lot of work to get accomplished and both the public and private side are ready for development.

Ms. Hart commented when she was on other Boards, the By-Laws were helpful tools when transitioning managers. It made it very clear what the managers duties were. She read this addition to cleaning up the By-Laws making it clear for a future new Port Director.

Mr. Ridgway asked if Mr. Uchytel sees this as an issue. What if the Board directs the Port Director to do something and it is not in line with what the City Manager wants. He does not want Mr. Uchytel to think he has two bosses. He said the Board would like to know if Mr. Uchytel needs clarity to do his job.

Public Comment - None

Committee Discussion/Action –

Mr. Leither asked when the Assembly is going to act on these changes?

Mr. Uchytel said the next Assembly meeting is October 23rd and this has not been added to that meeting. This will be the new City Manager first Assembly meeting in her new role and he does not believe she has the bandwidth to move this forward. This will be an Ordinance change that will take two meetings and it is not scheduled to be introduced at this time.

Mr. Ridgway recommended Committee members send comments about the changes to Mr. Uchytel and add the update version to next Thursday's Board Agenda.

MOTION: No Motion

G. New Business

3. Boat Shelter Sale – Board Right-of-First Refusal to purchase.

Mr. Uchytel said on page 18 in the packet is a memo letting the Board know Mr. Holt wants to sell his boat shelter AG-26 for \$40K. He wants to know if the Board wants to waive its right of first refusal to purchase the boat shelter.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

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MOTION By MR. ETHERIDGE: TO WAIVE THE DOCKS & HARBORS BOARD RIGHT – OF – FIRST REFUSAL TO PURCHASE BOAT SHELTER AG-26 FOR \$40K AND ASK UNANIMOUS CONSENT.

Mr. Ridgway objected for purpose of discussion.

He wanted to know if it had to have the purchase amount in the motion?

Mr. Uchytel explained that was the amount the Shelter owner was intending to sell it for and that is what Harbors would need to pay if the Board elected to purchase it. There is some value to have it in the motion to keep everyone honest.

Mr. Ridgway removed his objection and Mr. Etheridge restated the motion.

MOTION By MR. ETHERIDGE: TO WAIVE THE DOCKS & HARBORS BOARD RIGHT – OF – FIRST REFUSAL TO PURCHASE BOAT SHELTER AG-26 FOR \$40K AND ASK UNANIMOUS CONSENT.

Motion passed.

H. Items for Information/Discussion

4. Launch Ramp Survey - Result

Mr. Creswell said in the packet starting on page 19 is the results of the launch ramp survey. This ran for a couple weeks on Survey Monkey. It was posted on our Facebook page, launch ramps, Tide Line, and email. It ended after Salmon Derby and had 243 people take the survey. As an incentive for people to take the survey, we offered two free launch ramp permits for 2024. The two people were chosen using a random number generator and they have both been notified.

He went over the results in the packet pages 19 – 21 and the comments on pages 22 – 30. He provided an overview of the highlighted comments-

- have designated tie down lanes at Statter - that will be better defined when Statter is finished.
- There were several comments received about wanting one lane for launching and one lane for retrieving boats – this will need to be a management item and it is being looked at now.
- Provide a pamphlet with launch rules, etiquette, bathymetry, and navigation channels – he is working on this with Mr. Norbryhn.
- Comment that we should charge for parking at other launch ramps – this is something he had not heard before.
- Having a harbormaster present on weekends to set up and out lanes – this is something he is already trying to do with staffing.
- Launch ramp video – he wants to make a video.
- The North Douglas comment - we have in the past painted lines on where the excursion tourists needed to walk so they were not walking behind people trying to launch their boats.
- The slowness of the parking kiosk – we are currently looking at a new parking system with the City.
- Life-ring on the boarding float – he put this on his board as an action item today.

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- Statter Harbor congestion – staff is aware of the congestion and there are a lot of boats in a small area.
- Etiquette signage – there is already signs posted.
- Comments that Harbors should not have taken out the old Statter Harbor launch ramp – that is where the new passenger for hire floats are.
- Make the etiquette video mandatory
- Fish cleaning comments – some people want them and some do not.

Mr. Creswell suggested the Committee members read through all the comments and it is easy to see trends. He said Mr. Norbryhn is looking into markings for a launch lane and a retrieval lane. He has for action an etiquette video that he wants to hire a film crew and do it professionally.

Committee Discussion

Mr. Grant asked if there would be a need for a safety ladder on the end of the boarding floats?

Mr. Creswell said yes, and they should be in the final shipment.

Ms. Hart asked if there is any outreach plan to share the results with the public?

Mr. Creswell said not at this time.

Ms. Hart thought it would be good because often people take survey's and they don't get feedback. Maybe it should go out in the next newsletter or website.

Mr. Creswell commented as we make the improvements, it can be stated that this is a result of the comments received in the survey.

Mr. Leither asked to have more information about the kayak situation at North Douglas. Is that space leased for the kayak tours?

Mr. Creswell said it is a commercial use permit for the kayak tour operations and they pay a per passenger fee.

Mr. Leither asked what the terms are for this use and what is the revenue generated?

Mr. Creswell said he will follow up with Mr. Leither after this meeting.

Mr. Grant suggested for the in and out lanes to have a red and green light.

Mr. Creswell said that is along the lines Mr. Norbryhn is looking into but not a traffic light.

Mr. Ridgway recommended to let the public know that we did receive the comments and the results were brought to the Board to review.

Ms. Hart said she read some comments regarding the bathrooms in Douglas. With Parks & Rec facility, is there a way to work with them to have this available for the Harbor patrons and launch ramp users?

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Mr. Creswell said we are currently in conversations with Parks & Rec about the bathrooms.

Mr. Uchytel said we have been trying to partner with Parks & Rec on this topic because they have had a lead on federal funding. Parks & Rec wants bathrooms on Savviko road because that is where the Transit busses stop and the bus drivers would be able to use the restroom. Docks & Harbors wanted to build bathrooms and heated showers at the same time. Parks & Rec got word that the maximum for this federal funding is only \$125K, and that is not enough to build a bathroom. Bathrooms are on our list of next projects to do at Douglas Harbor.

Mr. Ridgway said he would like to have in writing from staff the things that will be changed due to the comments from this survey.

Public Comment - None

5. Proposed Harbor Rate 9% Increase

Mr. Uchytel said on page 32 is a schedule tracking the process for the 9% rate increase. The public hearing is next on October 4th @ 5pm in the Assembly Chambers. All the email and correspondence about the 9% increase starts on page 51 in the packet. Starting on page 60 is a memo Chair Ridgway requested Mr. Uchytel draft addressing the public comments received. He read through his memo and explained his reasoning for his comments.

Committee Discussion –

Mr. Ridgway requested to add in the main header one through six, the date the letter received for the comments being addressed. This memo will help the Assembly members when they see the comments in the packet.

Mr. Leither asked if there has been any positive feedback received for this 9% increase?

Mr. Etheridge said he has received verbal comments to just increase the rates because they want the services.

Mr. Leither said if the purpose of this memo is to provide information for our Assembly members, this is great information. He said his concern is if he is reading this from the perspective of someone that is frustrated with this increase, we are expanding into areas that we do not need to open the fight into. Number six in the memo has a lot of valid points but does not contribute to the reason for increasing the fees by 9% and could make it more of a fight than it has to be. He suggested to keep the memo more narrow.

Mr. Ridgway said this memo is open commentary and it is open for Committee members to discuss and improve. If any member wants changes he recommended to send them to Mr. Uchytel. Part of the process is reading public comments and this memo clearly shows we read the comments, thought about them, and responded to them.

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Ms. Smith asked if anyone has checked with CBJ Law about Mr. Stopha's comments about charging a surcharge based on the number of passengers on a ship or whether that would work to be a head tax?

Mr. Uchytel said he has not asked CBJ Law.

Ms. Hart asked what the process is for how this goes in front of the Assesmbly?

Mr. Uchytel said for a regulation change it is a one meeting event. It could be on the October 23rd Assembly meeting unless the Board does not want to have this discussed with a new Assembly and wait until the November meeting. The Assembly will see the regulation changes prepared by CBJ Law starting on page 38 in the packet and the City Manager will read the managers report drafted by Mr. Uchytel. Mr. Uchytel said this is not a big presentation to the Assembly. It will be approving the regulation change language and they will hear public testimony.

Mr. Etheridge said it is important for Board members to be present at the Assembly meeting to show support to make it happen.

Mr. Grant said this all started with the rate study and he would like the Assembly to have that in their packet as the justification for all of this. It supports our due diligence, supports the numbers, and is equal to all.

Public Comment – None

Mr. Uchytel asked what the next step for this memo is. Should he take comment from members and bring it back to the Board at the next Board Meeting?

Mr. Ridgway recommended members make comments to Mr. Uchytel and the Board can talk about changes at next weeks Board meeting. He asked Mr. Uchytel to reach out to the two Board members not present tonight and ask for their input.

6. November Operations – Planning Committee Meeting – Proposed Date Change

Mr. Uchytel recommended moving the November 22nd meeting, which is the day before Thanksgiving, to November 15th.

Committee Discussion - None

Public Comment – None

Mr. Ridgway directed Mr. Uchytel to move the meeting to November 15th.

I. Staff & Member Reports

Staff Reports -

Mr. Creswell reported

- Harbors Security Officer Mr. Davis resigned effective November 3rd. We are currently recruiting to fill that position. This is posted for only CBJ employees and closes next Friday.

Mr. Uchytel reported

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- He attended the Assembly COW on Monday where he heard Mr. Bob Janes speak representing the Whale Watchers group and Dr. Teerlink the NOAA whale biologist speak. His take away is that it doesn't seem like the whale watching charter people are cohesive in what they can do. The Assembly believes there are just too many whale watching vessels. Mr. Uchytel said he did not believe Dr. Teerlink articulated a problem statement for what is too many whale watching vessels. He heard there are 72 whale watching vessels that operate out of Juneau and approximately half are out of Statter Harbor. At the end, the Tourism Manager Alix Pierce was directed to solve the problem. Mr. Creswell added that there was a presentation without a clearly defined direction.

Mr. Ridgway asked if Dr. Teerlink talked about this affecting the whales?

Mr. Uchytel said Dr. Teerlink mentioned the studies but nothing definitive about the whales being affected by the whale watching vessels.

Mr. Grant asked if Dr. Teerlink is someone that has authority to propose some regulations changes if she felt there is an issue.

Mr. Uchytel said she did not indicate that NOAA would be imposing regulation limiting whale watching vessels under the Marine Mammal Protection Act.

Mr. Grant asked if Docks & Harbors needs to do anything?

Mr. Uchytel said the way his staff and he looks at this is: we manage operations and infrastructure. Once the vessel has left the purview of our tidelands, we do not track their activity. Trying to impose a limited entry will be challenging for the Borough. If Docks & Harbors is restricted to not allowing whale watching boats moor at Statter, then the whale watching vessels could move to the private harbors and still operate.

Mr. Becker commented that he is surprised NOAA is not more concerned with the whale watching in Juneau.

Ms. Smith commented that she believes NOAA is not proposing changes because they did a study on the cortisol level (stress hormone) of whales. They took samples of whales before COVID, and during COVID when there was no whale watching, and they found very little difference. She would recommend that any company that does whale watching commercially to have AIS on and operating both in send and receive. This lets other boaters know where those boats are and tell you where the whales are. This allows the whale watching captains to better plan their trips. She commented there are reasonable solutions. She believes the majority of the accidents in the Juneau area are from private individuals and not anyone involved in the business commercially.

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Mr. Ridgway commented this is a developing issue that people are focused on right now.

Mr. Uchytel continued with his report -

- He said himself, Matthew Creswell, Matthew Sill, will be at the AAHPA conference next week in Ketchikan and will call in for the meeting.
- Last month the Board approved spending funds for the former Ketchikan breakwater inspection and staff has contracted with PND for that inspection. The report should be available mid December.
- Mr. Sill has been working with Global Diving for the inspection of the Wayside Park float that we received the 1% sales tax money for. Working with DIPAC, the only time we could do dredging is October through December and so we will not be able to do this until next year.

Member Report -

Ms. Hart requested the Committee consider forming a sub-committee or a discussion structure where we could look at a CBJ Community Dock. In light of Title 85 changes being proposed, this could be moot depending on how that goes. Infrastructure seems to be the limiting factors for the cruise industry and they are just going to continue to make larger ships so moving to five ships does not really give a true tool for the City to mitigate the number of passengers coming in. Because of all of that, it seems like it would be really great for the Docks and Harbor Board to have more time to think about what our role is and how we interface with the community and industry. Some of the changes to title 85 seem like it hinders Docks & Harbors. She believes we are providing an important role for the Assembly providing a public process and taking some of the load off the Assembly and she would like to continue to do that. She would like to look at our currently owned City Dock to provide 100% priority goals broad use to the Community. Maybe have still some cruise industry involvement on that dock but it takes on more of a community focus to provide resources to our commercial fishing industry, recreational users, divers, and for people who want to jump off and go swimming. The lightering float is missed and it was a big part of our community. She would like to have a deeper dive discussion on the topics she just talked about.

Mr. Etheridge asked for clarification if she was talking about taking the current cruise ship dock over and making it a community dock?

Ms. Hart said she had not thought about that but she thought it would be easier to focus in on what we currently have authority over and restructure that vision and certainly with the blessing of the Assembly. Also have a very large outreach with the community. She liked Mr. Uchytel's thought about having a communication coordinator for the Docks and that got shot down. That would fit into this as well. There are some hurdles because we still need to pay off the dock and there could be some restrictions because of that. One prioritization of this committee could be a real prioritization to pay the dock down.

Mr. Ridgway requested to provide the suggested parameters for this group describing what is going to be looked at and what she wants to achieve. He asked if she was looking at one of the 16B docks?

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Ms. Hart said yes.

Mr. Grant said he would like to see a mission statement for the Committee.

Mr. Ridgway recommended Ms. Hart send what she is wanting to Mr. Uchytel so it can be added to the next Board meeting.

J. Committee Administrative Matters

Next Operations/Planning Committee Meeting-Wednesday, October 18th, 2023

K. Adjournment – The Meeting adjourned at 7:20pm.