



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: Port Director
To: City & Borough of Juneau Assembly
Via: (1) Docks & Harbors Board
(2) City Manager
Date: ~~October~~ November xxth, 2023
Re: Title 85 - Clarification

1. Docks & Harbors respectfully requests clarification to proposed Title 85 changes pertaining to roles and responsibilities of the Board of Directors. Above all, it is Docks & Harbors desire to meet the expectations and goals set by the Assembly. After two presentations by the outgoing CBJ Manager at Board meetings, the proposed language in the enclosure was provided on September 29th. Specifically, this memo offers bulletized commentary to his recommended changes.

(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. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not 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.

- Codifying the Docks Enterprise responsibilities for day-to-day operations and maintenance CBJ owned docks may be appropriate; however, this is already accomplished without such language.
- Removing reference to "rate setting" is incongruent to managing operations & maintenance facilities. All rates must go through the Assembly for ratification; therefore, rate setting is only a recommendation from the Board. It would seem Board input to the Assembly regarding maintaining facilities would be appropriate, even if it is in an advisory role.
- Docks & Harbors has never scheduled cruise ships; therefore, prohibiting an activity in which there are no plans to execute seems extraneous.
- Language which removes Docks & Harbors scheduling/policy/issues responsibilities in mitigation of impact of tours may have unintended consequences. Docks & Harbors expends significant resources managing downtown and Statter Harbor parking lots, as well as deconflicting tour excursions from local users at Statter Harbor, North Douglas Boat Launch and Wayside Park float.

(2) Prior to February 1 of each year, the Board shall direct the Port Director to submit a budget necessary for the duties outlined in 85.02.060 to the Manager for inclusion in the municipal budget submission to the Assembly. If the Manager proposes a reduced budget to the Assembly or if the Assembly reduces the Board's proposed budget, then the Board shall inform the Assembly within 30 days of the operational impact of such reductions.

- Docks & Harbors Board already provides the proposed and amended budget by the last Thursday in January via the established Finance Department processes.
- If the intent of this change is to remove all Docks Enterprise budget responsibilities from the Board and into the general fund (municipal budget), this would imply that the Docks is no longer an empowered enterprise. Would this be the intent of this change?

~~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 assembly by ordinance or resolution.~~

- By removing a paragraph entitled “Limitations on authority”, one could interpret this as providing more authority than what the Assembly wishes the Board to exercise.
- This paragraph places boundary conditions on what the Board may commit to and only with written authority from the Assembly. This appears to be a sound policy.
- It is unclear whether the intent of this extraction signals that the Board should not be involved in the Harbor Enterprise capital improvement plans.
- It is unclear to whether the removal of long range port development [sic] is suggesting the Board should not be engaged in the Long Range Waterfront Plan and/or including planning efforts along the Borough managed tide lands.

85.02.090 Duties and responsibilities of port director.

(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.

- Reviewing the proposed language and bulletized comments from 85.02.060(a)(1) above, this change only adds confusion. This paragraph only speaks to the responsibilities of the Docks & Harbor Board, not the Port Director’s role.
- The current Port Director, although not agreeing 100% with the three previous City Managers, has always taken direction from that position. Broadly speaking, if CBJ has a Port Director unwilling to take direction from the City Manager, then the wrong individual is the Port Director.
- The Port Director already works for 18 individuals, adding a 19th is not a lift.

2. It appears that the draft language encourages distancing the Docks & Harbors Board from issues related to the large downtown cruise ship docks. As a practical matter, Docks & Harbor recognizes its role to provide infrastructure and to improve operational efficiencies whether at the cruise ship docks, harbors or boat launches. Policy questions regarding the impact of the cruise industry has never been asked of Docks & Harbors. For instance, the Port Director was not included in the deliberations of the CLIA lawsuit, in the participation in the VIFT nor in the negotiations with the industry on port agreements, such as the five ship limit. Docks & Harbors Board and Staff are capable and willing to assist in any capacity directed. The tone of the recommended changes, in many ways, implies “don’t do something that you’re not already doing”. A better approach may be to maximize the efforts of the volunteer Board of nine individuals by leveraging their talents, knowledge and abilities, even if it is in the role of advisory. As an example, the Board has been consistent for many years that CBJ is exposed to unnecessary legal risk without a contiguous safety railing along the downtown Seawalk. The Board articulating this position adds a creditable voice to the maritime needs of the Juneau community. The decision to fund a project still remains with the elected Assembly.
3. Should the Assembly wish to entertain changes to ordinance on tourism policy, the following may want to be considered:

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. The board shall carry out its charge for matters pertaining to the harbors enterprise with vigor and resolve; and to the docks enterprise, as an advisory body to the assembly. In particular, and ~~without~~ limitation on the foregoing, the board shall:

4. Docks & Harbors Board recommends ~~scheduling discussion~~ at the joint meeting with the Assembly to better delineate ~~the potential~~ solutions to the identified problem statement. It is Docks & Harbors vision to work with all patrons, customers, stakeholders and elected officials to enact our mission statement: *Develop and provide opportunities, services and facilities to support marine related commerce, industry, fisheries, recreation and visitors.* Docks & Harbors wishes to expand the dialogue to mitigate potential unintended damage in the management, planning and operations of CBJ facilities covered under the proposed ordinance change.

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