

FAQs – TITLE 85 Proposed Changes

- What is the overarching purpose of any changes to Title 85?
 - Answer: There have been several memos drafted by the Manager’s Office and Tourism Manager. It has been suggested that to best accomplish the findings of the Assembly approved 2021 Visitor Industry Task Force is the removal of the Docks & Harbors Board from tourism decisions.
- Could the interest of the community, execution of the VITF and elevation of the Tourism Manager’s responsibilities be accomplished without changes to Title 85?
 - Answer: Yes.

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. 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.

- How significant is the removal of “port” in the proposed ordinance change?
 - Answer: In the short term, most Assembly/Board members and City Staff will attempt to execute the Docks & Harbors charge based on recent discussion. In a decade, it may be confusing to elected officials, Manager’s Office, other Departments and the Port Director.
- Does the Docks & Harbors **Board** currently or historically schedule cruise ships?
 - Answer: No. The Docks & Harbors Board has never scheduled moorage for large, foreign flagged cruise ships.
- Does Docks & Harbors **Staff** currently or historically schedule moorage large cruise ships?
 - No. This is has always been completed by CLAA which coordinates arrival/departures throughout Alaska. They are also the ship agent for all vessels calling on Juneau and ensure longshore, tugs, stevedoring needs are efficiently managed.
- Does Docks & Harbors **Staff** currently or historically schedule small cruise ships?
 - Answer: Yes and according to Tourism Manager’s memo of March 27th, the *scheduling and management of the Intermediate Vessel Float and small cruise ship facilities will continue to be managed by Docks & Harbors.* In addition, Docks & Harbors manages the reservation on behalf of Goldbelt for the Seadrome Dock.
- Will Docks & Harbors **Staff** be allowed to set fees non-standard fees for garbage, potable water, management fees for the Seadrome Dock, etc?
 - Answer: A reasonable interpretation would be that Staff can charge fees for use of non-metered potable water, trash, recycling costs and management fees as part of day to day operations & maintenance.
- The Port is a transition area where tourists, locals, tourism industry, ship operations, and bus lot operations are all together. There are days where Docks & Harbors Staff handle grey water, potable water, security baggage checks for vessels “turning” in Juneau, lightering, etc. Who will manage needed fee increases through the ordinance/regulatory processes?

- Answer: Presumably this will be a collaborative effort with the Manager's Office/Tourism Office and Docks & Harbors Staff. It does not appear that Docks & Harbors Board is responsible for this regulatory/ordinance change.
- 33 CFR 105 mandates the security requirements for Coast Guard regulated facilities, who is responsible for funding and approval of security infrastructure?
 - Answer: According to Tourism Manager's memo of March 27th, *Departments and empowered boards conducting long-range planning related to tourism will work collaboratively with the Tourism Office to ensure that the Assembly's goals and overall tourism management strategy are incorporated. The Tourism Office will play a coordinating role on long-range planning projects related to tourism and involving multiple departments.*
- Would this suggest that the Docks & Harbors Board would be prevented from policy which would oversee permits (i.e. rating setting) for parking lots downtown and at Statter Harbor?
 - Answer: TBD....however in the *Whale Watching: Decisions about whale watching industry management and regulation will be within the purview of the Tourism Office. All operational decisions and functions at Statter Harbor will be made by Docks & Harbors. The departments will work together on any regulations affecting Docks & Harbors-managed facilities.*
- Who are citizens of Juneau? Is this a constitutional question?
 - Answer: Unknown
- Who will be responsible for managing and approving the Dock Fund Balance and annual budget?
 - Answer: Most likely a collaborative process with city manager, tourism manager, port director with the Docks & Harbors Board being advisory on matters relating to Docks Fund Balance and Docks Budget.
- Docks & Harbors Board (and staff) was removed from the process for submerge land lease with Huna-Totem Corporation. It is not clear to whether other responsibilities under General Powers administering land will be changed.
 - 85.02.060 - General powers. (5)Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the assembly, subject to the following limitations:
 - (A)No sale, purchase, or trade of land shall be made without prior review by the assembly lands, housing, and economic development committee and approval by the assembly.
 - (B)Unless otherwise designated in advance by the assembly, 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.
 - (i)Land shall be leased as provided in title 53, 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.
- Goldbelt would like to reconfigure/purchase property for a new Seadrome Building, Franklin Dock has encouraged CBJ to acquire ADNR property for a future floating dock, new Seawalk development could require acquisition of more tideland property, what is the Assembly's intent for Docks & Harbors role in future downtown property management?
 - Answer: Unknown.

Language proposed for April 29th Board Meeting:

~~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.~~

~~(Serial No. 2004-03b, § 2, 3-9-2004)~~

- Why is there a need to delete this section in entirety?
 - Answer: It is believed that tourism is such a divisive policy that removing the Board from any input to the long range port development (i.e. Long Range Waterfront Plan??) enables the Docks & Harbors Board to focus on Harbor Board issues.
- Would this mean that the Docks & Harbors Board is no longer responsible for approving CIP list, legislative priorities, grants, MPF requests, port security infrastructure needs, paving projects at Statter Harbor/downtown cruise ship parking lots?
 - Answer: Probably.
- In 2023, the Docks & Harbors Board drafted correspondence to the Assembly requesting the use of Dock Fund Balance in creating a CIP to correct safety deficiency along the Seawalk. In the future, does this suggest that the Assembly does not wish to hear recommendations from the Docks & Harbors Board on any CIP issue?
 - Answer: Probably.

Amendment Language proposed by Assembly Member Woll for April 29th Board Meeting:

85.02.065 Long-Range Port Development and Capital Improvement Project Coordination. 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 after consultation with the manager as authorized in advance by the assembly by ordinance or resolution. The manager may assign the tourism manager as the client department or as a co project manager for any project with a substantial relationship to cruise-ship originating tourism.

- Does this suggest that the Docks & Harbors **Board** is now consulting with the city manager for all CIP projects – including small boat harbor projects, legislative priority lists, grants, MPF requests, port security infrastructure needs, etc?
 - Answer: Probably
- What is the role of the Port Director under this language?
 - Answer: Unknown
- Doesn't Docks & Harbors receive authority from the Assembly through virtually all efforts (i.e. studies, projects, CIPs, construction awards) through the power of the purse?
 - 85.02.060 General powers. *(C)All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.*
 - Answer: Yes.

- Has co-project management been used elsewhere in CBJ?
 - Answer: No.

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.

- Is this addition necessary?
 - Answer: If a CBJ Port Director needs to be told in ordinance to take direction from the City Manager...Docks & Harbors has the wrong Port Director.