



<b>TRANSMITTAL MEMORANDUM</b>
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TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: January 8, 2021

RE: **Ordinance No. 21-1921 – Amending the Ketchikan Municipal Code Subsection (b) Of Section 2.72.030 Entitled “Port And Harbors Advisory Board”; And Establishing An Effective Date**

The attached ordinance was approved in first reading at the City Council meeting of January 7, 2021. If adopted in second reading, Ordinance No. 21-1921 provides for amending the Ketchikan Municipal Code to permit the Port & Harbors Advisory Board to meet monthly as established from time to time by a majority of the Board. The rationale for the ordinance is detailed in Mr. Hilson’s transmittal memorandum and requires no elaboration on the part of my office.

The Acting Port & Harbors Director will attend the City Council meeting of January 21, 2021, in order to address any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

**RECOMMENDATION**

It is recommended the City Council adopt the motion approving in second reading Ordinance No. 21-1921 amending the Ketchikan Municipal Code Subsection (b) of Section 2.72.030 entitled “Port and Harbors Advisory Board”; and establishing an effective date.

**Recommended Motion:** I move the City Council approve in second reading Ordinance No. 21-1921 amending the Ketchikan Municipal Code Subsection (b) of Section 2.72.030 entitled “Port and Harbors Advisory Board”; and establishing an effective date.

## **"UNAPPROVED"** January 7, 2021

sub-work groups to facilitate these discussions. She said they will meet for the first time this week and are putting together their plan of work, and have added additional members for representation, which included independent tour operators and merchants. She said the committee reviewed the Healthy Sail Panel recommendations and came to the conclusion that only nine out of the 74 recommendations could they actually have input on. She indicated with those nine recommendations the committee started working on how we get that information out, and who is going to be responsible for responding.

Councilmember Bradberry thanked Ms. Mackey for the information that is being put out there. She said there are still many folks out there that have concerns, and just want to be able to listen to the committee meetings.

Ms. Mackey answered questions from the Council, but felt at this point there really isn't anything to discuss. She said as far as a public forum goes, in order to be effective you have to have something for people to comment on. She said she would be happy to answer any questions the Council may have.

Councilmember Kiffer echoed comments made by Councilmember Bradberry. He said if the process could be opened up where people could just listen it wouldn't be a bad idea for the long term.

Councilmember Gass said he agreed with both Councilmembers Kiffer and Bradberry. He thanked Ms. Mackey for listening to folks, and by adding more members to the committee.

Mayor Sivertsen informed the Council has invited some of the industry to come and provide us with a presentation at the next Council meeting of January 21, 2021.

Councilmember Flora clarified this is an ad hock committee with a Councilmember on it, and not a function of the City or a City committee. He said this needs to be clear as not to be in violation of the City Charter.

### **Ordinance No. 21-1921 – Amending the Ketchikan Municipal Code Subsection (b) of Section 2.72.030 Entitled “Port and Harbors Advisory Board” – First Reading**

**Moved by Flora, seconded by Kiffer the City Council approve in first reading Ordinance No. 21-1921 amending the Ketchikan Municipal Code Subsection (b) of Section 2.72.030 entitled “Port and Harbors Advisory Board”; and establishing an effective date.**

**Councilmember Flora said these ordinance changes will allow the Port & Harbors Advisory Board to be flexible in regards to dates and times of their meetings.**

**City Attorney Seaver answered questions from the Council, indicating they would still be required to give reasonable public notice and be consistent.**

**Motion passed with Flora, Bergeron, Gass, Kiffer, Gage and Bradberry voting yea; Zenge absent.**



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## MEMORANDUM

**TO:** Karl Amylon, City Manager

**CC:** Lacey Simpson, Assistant City Manager  
Mitch Seaver, City Attorney

**FROM:** Mark Hilson P.E., Acting Port and Harbors Director

**DATE:** December 21, 2020

**SUBJECT:** **Ordinance No. 21-1921 – Amending Ketchikan Municipal Code Subsection (h) of Section 2.72.030 Entitled “Port and Harbors Advisory Board”**

At its meeting of December 8, 2020 the Port and Harbors Advisory Board recommended revision to Ketchikan Municipal Code 2.72.030 (h) to allow more flexibility when scheduling the monthly meeting date and time. As written, the code is inflexible due to establishing the meeting on the second Tuesday of the month at 7:00 p.m. The proposed amendment Ketchikan Municipal Code 2.72.030 (h) allows more flexibility by allowing the Port and Harbors Advisory Board to establish their own meeting date and time.

Attached is Ketchikan Municipal Code Subsection (h) of Section 2.72.030 as prepared by the City Attorney.

### **RECOMMENDATION:**

It is recommended that the City Council adopt a motion approving in first reading Ordinance No. 21-1921 amending Ketchikan Municipal Code Section Subsection (h) of Section 2.72.030 Entitled “Port and Harbors Advisory Board”.

**Recommended Motion:** I move the City Council approve in the first reading Ordinance No. 21-1921 amending Ketchikan Municipal Code Section Subsection (h) of Section 2.72.030 entitled “Port and Harbors Advisory Board” allowing the Port and Harbors Advisory Board the ability to flexibly schedule their monthly meetings.

### **Attachments:**

Ordinance 20-1921 – Amending Ketchikan Municipal Code Subsection (h) of Section 2.72.030 Entitled “Port and Harbors Advisory Board”

Draft Minutes from the 12.08.20 PHAB meeting

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 21-1921

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; AMENDING THE KETCHIKAN MUNICIPAL CODE SUBSECTION (h) OF SECTION 2.72.030 ENTITLED “PORT AND HARBORS ADVISORY BOARD”; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

**Section 1: Amendment.** Subsection (h) of Section 2.72.030 the Ketchikan Municipal Code, entitled “Port and harbors advisory board,” is hereby amended to read as follows:

“(h) The board shall meet [~~at 7:00 p.m. on the second Tuesday of each month and at~~ **monthly as established from time to time by the majority of the Board. The Board may meet at** such other times ~~when deemed necessary~~, at the call of the chair or presiding officer. Reasonable public notice of the time, place and agenda shall be given before each meeting.

**Section 2: Effective Date.** This ordinance is effective one (1) month after its final passage and publication.

PASSED ON FIRST READING \_\_\_\_\_.  
FINAL PASSAGE \_\_\_\_\_.

\_\_\_\_\_  
Robert Sivertsen, Mayor

ATTEST:

\_\_\_\_\_  
Kim L. Stanker  
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE DATE: *			
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
BRADBERRY			
FLORA			
GAGE			
GASS			
KIFFER			
ZENGE			
MAYOR			

**MOTION PASSED UNANIMOUSLY.**

**COMMUNICATIONS:**

None

**PERSONS TO BE HEARD:**

None

**OLD BUSINESS:**

**1. 2021 Port Budget Update**

The port budget was reviewed by the City Council at their meeting of December 7<sup>th</sup>, 2020 and no substantial changes were made. The budget will go in front of the City Council for adoption at their December 17<sup>th</sup>, 2020 meeting.

**2. 2021 Harbors Budget Update**

The harbors budget was reviewed by the City Council at their meeting of December 7<sup>th</sup>, 2020 and no substantial changes were made. The budget will go in front of the City Council for adoption at their December 17<sup>th</sup>, 2020 meeting. The comments only Director Hilson would like to make, is that the budget is lean and the overtime line item was reduced. This may need revised later in the year, but that can be addressed at that time.

**3. Discussion of Proposing Municipal Code Change of Meeting Time and Date**

Board member Mulder requested a discussion in regards to the meeting time and date of the Port and Harbor Advisory Board as established in the Ketchikan Municipal Code. Discussion followed and direction was given by The Board to Director Hilson to speak with City Attorney Mitch Seaver to draft an ordinance to revise Ketchikan Municipal Code subsection (h) of section 2.72.030 to allow flexibility when scheduling the Port and Harbor Advisory Board meeting time and date.

**MOTION was made by Lunde to recommend a future agenda item for the City Council to review the wording of Ketchikan Municipal Code section 2.72.30 to allow for more flexibility for the Port and Harbors Advisory Board when scheduling their meetings. MOTION SECONDED by Mulder. MOTION PASSED UNANIMOUSLY.**

**NEW BUSINESS:**

None

## Taylor Lee

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**From:** Mark Flora <allamericanauto99901@yahoo.com>  
**Sent:** Tuesday, December 8, 2020 8:13 PM  
**To:** Karl Amylon; Lacey Simpson; Mark Hilson; Angel Holbrook; Bob Sivertsen; Mitch Seaver; Kim Stanker; Taylor Lee  
**Subject:** Future agenda item.

### **CAUTION: External Email**

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The PHAB is asking the city council to consider revision of the ordinance pertaining to the meeting time of the PHAB. We would like to see language that would provide flexibility for the time and day of the meetings.

Thank you,

Mark Flora

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**Chapter 2.72****PORT AND HARBORS DEPARTMENT**

## Sections:

- 2.72.010 Port and harbors director.
- 2.72.020 Powers and duties.
- 2.72.030 Port and harbors advisory board.

**2.72.010 Port and harbors director.**

There shall be a port and harbors department, the head of which shall be the port and harbors director, appointed by the city manager for an indefinite term. The port and harbors director shall be an officer of the city and shall have supervision and control of the department and the port of Ketchikan and the Ketchikan boat harbor. (Ord. 1550 § 1, 2006; Ord. 1005 § 16, 1983)

**2.72.020 Powers and duties.**

In connection with the enforcement of the provisions of KMC Titles 13 and 14 the port and harbors director shall have the authority hereinafter specified:

(a) Boarding of Boats. The port and harbors director shall have the authority to board any boat within the boat harbor or port facilities to abate a nuisance, to protect life and property, and to otherwise enforce the provisions of this title and KMC Title 13.

(b) Posting. The port and harbors director shall have the exclusive authority to post signs and to thereby designate the limit of boat speeds, classifications and use of harbor and port areas, areas where reserved mooring is allowed, and such other signs and notices as will inform the public at large and all boat owners of authorized and prohibited uses of the boat harbors or port facilities.

(c) Issuance of Notice of Violation. The port and harbors director shall have the authority to issue or cause to be issued a notice of ordinance violation against any person violating any provision of KMC Titles 13 and 14. (Ord. 1550 § 2, 2006; Ord. 1114 § 1, 1987; Ord. 1005 § 16, 1983)

**2.72.030 Port and harbors advisory board.**

(a) There is created a port and harbors advisory board for the purpose of advising the council on the operation, maintenance and improvement of the city port facilities and small boat harbors and such additional matters as the council may from time to time designate.

(b) The port and harbors advisory board shall be composed of nine voting members appointed by the mayor with the approval of the council and shall serve without compensation. One member shall be a member of the city council. Eight members shall be individuals who are interested in the operation, maintenance and improvement of the city's port facilities and small boat harbors.

(c) The term of a member shall be for three years or until his or her successor is appointed. A vacancy shall be filled by the mayor with the approval of the council for the remainder of the unexpired term.

(d) The board members shall elect from their number a chair and a vice chair/secretary. The annual election of these officers shall take place at the regular November meeting and these officers shall serve for a term of one year. Officers may serve for two consecutive terms and may thereafter be reelected after an interval of two years.

(e) The chair shall preside at all meetings and shall be responsible for initiating and/or preparing an agenda with the port and harbors department for each meeting.

(f) The vice chair/secretary shall preside at meetings in the absence of the chair and shall perform such other of the chair's duties as required. The vice chair/secretary also shall be responsible for ensuring that a complete and accurate record of all meetings and votes is kept and copies distributed in a timely manner to members of the board and the city council. The task of taking minutes and keeping records

may be designated to the port and harbors staff but the secretary shall ascertain the accuracy of the records before approving and signing the same.

(g) Any board member who misses more than three regular meetings in any 12-consecutive-month period without being excused by the board shall automatically forfeit membership on the board.

(h) The board shall meet at 7:00 p.m. on the second Tuesday of each month and at such other time when deemed necessary, at the call of the chair or presiding officer. Reasonable public notice of the time, place and agenda shall be given before each meeting.

(i) Five members of the board shall constitute a quorum for the transaction of business except that no vacancy in the board shall impair the right of the remaining board members to exercise all the powers of the board.

(j) Affirmative concurrence by a majority of the board members present at any duly constituted meeting of the board shall carry a motion. (Ord. 1302 §§ 1, 2, 1994; Ord. 1058 § 2, 1985)