

January 21, 2021
Regular City Council Meeting

**Continued Review and Discussion of City Council Direction for the Position of Port
& Harbors Director - Councilmember Zenge**

"UNAPPROVED" January 7, 2021

Councilmember Gage didn't feel the larger ships were coming, and encouraged staff to solicit the smaller lines into coming here and see what their plans are.

Councilmember Gass indicated everyone probably shares Councilmember Bergeron's points of frustration with the CDC. He said he was in support to send a letter to the CDC.

Councilmember Bergeron said he had some questions regarding the Thomas Basin Promenade. He indicated if we move forward with this project the federal entity and private individuals have a substantial amount to gain from our work and expense. He said with conversations he has had with the Mayor and others that he would like to see the other parties that will benefit to come forward and put in some funding at least on their property. He said he would like to find out what their involvement is going to be before we start expending funds on design on the City's dime.

Acting Port & Harbors Director Hilson said he agreed.

Ongoing Review and Discussion of State of Alaska COVID-19 Health Mandates – Councilmember Bergeron

No report on this item.

Continued Review and Discussion of City Council Direction for the Position of Port & Harbors Director – Councilmember Zenge

Mayor Sivertsen asked if there was any objections to defer this item to the meeting of January 21, 2021 due to Councilmember Zenge's absence. No objections were heard.

Manager Amylon clarified based on comments made by Mr. Parks regarding the job description of the Port Director that this is the existing job description without response or modifications from the Council.

Continued Review and Discussion of City Council Direction for the Make Up of the Resume Our Cruise Economy – Mayor Sivertsen

Patti Mackey President and CEO of the Ketchikan Visitors Bureau, Inc. referenced her letter in the packet which explained the context of what the Resource Steering Committee has been doing and their structure and concerns around the potential "bubble". She said they have come up against the same frustration as she has heard here tonight. She indicated all we have are the two documents that have been submitted and under consideration by everyone else:

- The Healthy Sail Panel recommendations put forward by Royal Caribbean and Norwegian that has been adopted by most of the cruise lines.
- CDC's – Conditional Sail Order and that is the response to the cruise lines to get their ships in order.

Ms. Mackey explained the Conditional Sail Order was the CDC's response to the Healthy Sail Panel, and everyone is waiting for the CDC to comment. She said there are no real answers out there. She said the Resource Steering Committee was put together at the request of the Council to look at the process and gather available information. She informed the Steering Committee created

PORT & HARBORS DIRECTOR

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

SUMMARY DESCRIPTION

Under general administrative direction, plans, directs, manages, and oversees the activities and operations of the Port & Harbors Department including security functions and maintenance and repair activities; ensures harbors are operated in accordance with Title 14 of the Ketchikan Municipal Code; ensures port & harbors facilities are provided for the continued economic growth and prosperity of Ketchikan; coordinates assigned activities with other departments and outside agencies; and provides highly responsible and complex administrative support to the City Manager.

The mission of the Port is to maintain and operate the Port of Ketchikan in a manner that provides for the safe and convenient use of the Port facilities by the cruise industry, commercial fishing fleet, charter boat fleet and the general public. The Port is operated in accordance with Title 13 of the Ketchikan Municipal Code. The Port will endeavor, with the aid of the City Council, City Manager's Office, Port & Harbors Advisory Board and the Cruise Ship Industry, to identify and pursue construction of new facilities and maintain existing facilities. The Port will further endeavor to promote the City of Ketchikan and assist the community in achieving economic growth. The Port & Harbors Director must perform all duties in a manner that reflects positively on the City and the Department.

REPRESENTATIVE DUTIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

1. Assumes full management responsibility for all Port & Harbors Department services and activities including security functions and maintenance and repair activities; ensures harbors are operated in accordance with Title 14 of the Ketchikan Municipal Code; establishes short and long-range goals for the Department consistent with the Port & Harbors mission statements.
2. Manages the development and implementation of departmental goals, objectives, and priorities for each assigned service area; recommends and administers policies and procedures.
3. Establishes, within City policy, appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly.
4. Assesses and monitors work load, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement; directs and implements changes.
5. Plans, directs, and coordinates, through subordinate level staff, the Port and Harbors Department's work plan; assigns projects and programmatic areas of responsibility; reviews and evaluates work methods and procedures; meets with key staff to identify and resolve problems.
6. Selects, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements progressive discipline and termination procedures.
7. Oversees and participates in the development and administration of the department and capital improvement budgets; approves the forecast of funds needed for staffing, equipment, materials, and supplies; approves expenditures and implement budgetary adjustments as appropriate and necessary.

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Port & Harbors Director (Continued)

8. Conducts regular financial and marketing analyses and research; prepares status reports, proposes policies, plans, including facility operating plans, and tariff, rate studies, ordinance, and fee schedule changes to the City Manager and the City Council; advises the City Manager, City Council and Port & Harbors Advisory Board on Port & Harbors policy matters.
9. Coordinate Port operations with the cruise ship lines and the cruise ship agents; ensures compliance with Passenger Facility Security Plan & 33 CFR Part 105; updates plan annually.
10. Oversees and directs implementation of Port Security, including close coordination with Police, Fire, Harbormasters and Coast Guard.
11. Performs a variety of marketing activities in order to promote the City of Ketchikan and assist the Community in achieving economic growth.
12. Plans the programs and operations of the department to meet the short and long-range goals of the Port & Harbors department; directs and controls the operations of the department in order to implement department goals and programs.
13. Conducts physical evaluation of facilities and develops capital replacement schedule; evaluates technical proposals and change orders for port and harbors projects.
14. Writes grant applications for capital projects as necessary; administers grants.
15. Provides staff assistance to the City Manager/KPU Manager; prepares and presents staff reports and other necessary correspondence.
16. Represents the Port & Harbors Department to other departments, elected officials, and outside agencies; coordinates assigned activities with those of other departments and outside agencies and organizations.
17. Explains, justifies, and defends department programs, policies, and activities; negotiates and resolves sensitive and controversial issues.
18. Participates on a variety of boards, commissions, and committees.
19. Attends and participates in professional group meetings; maintains awareness of new trends and developments in the field of ports and harbors security and maintenance; incorporates new developments as appropriate.
20. Responds to and resolves difficult and sensitive citizen inquiries and complaints.
21. Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

Operations, services, and activities of a comprehensive Port & Harbors program.

Advanced principles and practices of program development and administration.

Modern principles, practices, and techniques of port and harbors administration, organization and operation.

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Port & Harbors Director (Continued)

Principles and practices of municipal budget preparation and administration.
Principles and practices of marine facilities management, including but not limited to the development and implementation of facility operating and maintenance plans, rate studies and tariff revisions, marketing plan development, records management and report preparations.
Principles and practices of public administration and management, including budgeting, fiscal control, program planning and development, and strategic planning.
Principles and practices of emergency management and emergency management coordination.
The provisions of Title 13 and 14 of the Ketchikan Municipal Code and other applicable local, state, and federal boating regulations.
Coast Guard Homeland Security Regulations established under Title 33, Code of Federal Regulations (CFR). Serves as Ketchikan's Port Facility Company Security Officer (CSO) as defined in the Ketchikan Port Facility Security Plan. Reviews and updates the Ketchikan Port Facility Security Plan.
Principles and practices of public relations.
Occupational hazards and standard safety practices.
Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
Principles of supervision, training, performance evaluation, and progressive discipline.
Pertinent federal, state, and local laws, codes, and regulations.

Ability to:

Manage and direct a comprehensive port & harbors program.
Develop and administer departmental goals, objectives, and procedures.
Analyze and assess programs, policies, and operational needs and make appropriate adjustments.
Identify and respond to sensitive community and organizational issues, concerns, and needs.
Plan, organize, direct, and coordinate the work of lower level staff.
Delegate authority and responsibility.
Select, supervise, train, and evaluate staff; implement progressive discipline when necessary.
Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
Research, analyze, and evaluate new service delivery methods and techniques.
Obtain all security clearances, as required by the Coast Guard, in order to update and implement Federal Security regulations.
Plan and organize work to meet changing priorities and deadlines.
Evaluate department functions, operations and programs to determine if they meet user and City needs.
Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.
Prepare clear and concise administrative and financial reports.
Prepare and administer large and complex budgets.
Interpret and apply applicable federal, state, and local policies, laws, and regulations.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain effective working relationships with those contacted in the course of work.

Education and Experience Guidelines - *Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

Education/Training:

A Bachelor's degree from an accredited college or university with major course work in in maritime management, business administrations, public administrations, or or a related field.

Experience:

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Port & Harbors Director (Continued)

Eight years experience working in port and harbor or related marine industry including three years of management and administrative responsibility.

License or Certificate:

Possession of an appropriate, valid driver's license.

Possession of, or ability to obtain, a Company Security Officer certificate.

Possession of, or ability to obtain a Transportation Worker Identification Credential (TWIC) Card.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed primarily in a standard office environment with some travel to different sites; incumbents may be required to work extended hours including evenings and weekends and may be required to travel outside City boundaries to attend meetings. Frequent opportunity and requirements to interact with other municipal department heads and employees, local elected officials, Port and Harbors Advisory members, Coast Guard, Cruise Lines, the general public, harbor users, other government agencies or other individuals and groups doing business with the municipality.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

Vision: See in the normal visual range with or without correction.

Hearing: Hear in the normal audio range with or without correction.

Grade: 7-78

Union: No

FLSA: Exempt

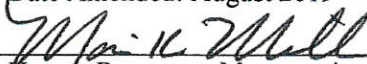
Date Approved: January 24, 2005

Date Established: 8/04

Date Amended: June, 2007 (Johnson & Associates)

Date Amended: December 2018

Date Amended: August 2019


Human Resources Manager Approval



City Manager Approval

Mitch Seaver
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TO: Karl Amylon
City Manager

FROM:  Mitch Seaver
City Attorney

DATE: December 7, 2020

SUBJECT: Port Director - Charter Considerations

There was discussion during the Council's December 3, 2020 meeting concerning the possibility of hiring a Port Director as a direct council employee. This memo is to bring to your attention Charter Section 3-2 which sets forth the powers and duties of the city manager as follows:

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefore to the council. He shall:

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove, all directors, or heads, of administrative departments and all other administrative officers and employees of the city except personnel in the department of law; provided that the city manager or the council by ordinance may delegate this power and duty to directors, or heads, of departments and other administrative officers and agencies as regards their own subordinates;

(2) Supervise and control all administrative departments, agencies, officers and employees, appointed by himself or by agencies and officers subordinate to him;

(3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;

(4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;

(5) Keep the council advised of the financial condition and future needs of the city, and make recommendations on policy and other matters;

(6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

Thus, the Charter establishes the city manager as the chief administrative officer whose powers and duties include appointing and removing all administrative department heads and other employees except personnel in the department of law.¹ Therefore, absent an amendment to the Charter the Council may not designate the Port Director as a direct employee. This point is borne out by the decision in *Hubbard v. City of San Diego*, 55 Cal. App 380 (Cal App 1976). There, the city council enacted ordinances creating a Department of Legislative Analysis and provided that the director of that department would be its administrative head and shall be appointed and removed by a majority of the council. The court ruled that the ordinances were in violation of the city charter's designation of the manager as the chief administrative officer and that a department of the government, administrative in nature, must be under the supervision of the manager:

If the citizens of San Diego find it necessary to have an independent agency of government standing between the Manager and the Council, screening budget information and other informational material and reports submitted to the Council by the Manager, reviewing the performance of the various departments of city government, and initiating its own proposals for legislative action, it may be done only by amendment to the charter. *Id* at 392.

¹ Charter Section 8.1 authorizes the Council's appointment of a utilities manager.

Accordingly, the Charter will need to be amended before the Council may hire a Port Director as a direct employee. Under Charter Section 13-1 a charter amendment proposed by the Council must be approved by a majority of the qualified voters voting on the question.²

² There would also need to be changes to the Code and City policies which are beyond the scope of this memo.