

February 4, 2021
Regular City Council Meeting

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

"UNAPPROVED" January 21, 2021

Ongoing Review and Discussion of Cruise Related Issues – Councilmember Bergeron

Mayor Sivertsen asked if there were any objections to defer to the meeting of February 4, 2021. No objections were heard.

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

Mayor Sivertsen asked if there were any objections to defer to the meeting of February 4, 2021. No objections were heard.

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

Mayor Sivertsen asked if there were any objections to defer to the meeting of February 4, 2021. No objections were heard.

Discussion of Commissioning a Totem Pole in Honor of Elizabeth Peratrovich – Councilmember Gage

Councilmember Gage cited the many accomplishments of Elizabeth Peratrovich, which included the first anti-discrimination in public places laws, her activism for Alaskan natives, her contribution to push the passage of the first Anti-Discrimination Act. She stressed the importance of knowing your history, no matter how uncomfortable it may be. She stated Ms. Peratrovich was a beacon of change, hope and resilience, and asked the City of Ketchikan to reach out to the native community to commission a totem pole in her honor. She stated there are possible grants available that would be instrumental in this project.

Mayor Sivertsen said from his experience the City would not have the revenue to fund a project like this. He felt this should be a community project because she did not just represent the native population, she helped everybody. He indicated because of that this is a State and Federal issue so there needs to be participation in kind by all groups. He said there also needs to be discussion regarding the placement of the pole as well.

Councilmember Kiffer suggested reaching out to Sealaska Corporation and others. He agreed we need to get things moving and we can't do it alone. He felt this was overdue and we should take a vote to at least get the process moving.

Mayor Sivertsen asked for a show of hands to give direction to staff to get the conversation started with other groups and entities, and at least four hands were shown.

Councilmember Gass questioned if it was placed in the downtown area the possibility of funding from the Commercial Passenger Vessel Tax (CPV) monies.

Mayor Sivertsen said that might be a possibility in a robust working economy and possibly have input from the cruise industry. He informed for now, reaching out to various groups in the community is a good start.

December 17, 2020

Resumption of Cruise Presentation by Royal Caribbean Cruises, Ltd.

Manager Amylon said Royal Caribbean Cruise Lines (RCCL) approached Mayor Sivertsen to schedule a presentation regarding the start of cruise for the regular Council meeting of January 21, 2021, and he would like the Council to have the opportunity to submit questions to staff for transmittal to RCCL in advance of the meeting to facilitate the discussion. He asked for consensus of the Council, and at least four hands were shown.

Greater Ketchikan Chamber of Commerce Remote Workers Recruitment Campaign

Manager Amylon included an email from Borough Clerk Kacie Paxton regarding the Chamber of Commerce remote workers recruitment campaign. Her email stated following their presentation on December 7, 2020, the Borough Assembly took no action on the Chamber's request. He said absent direction from the City Council to the contrary, his office intends to place this matter on hold until the Borough Assembly authorize equivalent funding for the project.

K.P.U. MANAGER'S REPORT

Project Status Reports of the KPU Division Managers – November 2020

Manager Amylon attached for Council review the project status reports of the KPU division managers for the month of November 2020.

Report of December 1, 2020 Power Outage

Manager Amylon included a memorandum for Council review from Electric System Engineering Manager Jeremy Bynum regarding the power outage of November 1, 2020.

CITY CLERK'S FILE – None

CITY ATTORNEY'S FILE

Report of Significant Activities for the Month of November 2020 – Office of the City Attorney

FUTURE AGENDA ITEMS- None

Councilmember Zenge asked for an agenda item to discuss the Port & Harbors Director position and what direction the Council plans on taking in respect to that position.

In response to the future agenda item from Councilmember Zenge, Mayor Sivertsen asked for Council consensus, and at least four hands were shown.

Councilmember Gass felt the Council should give staff direction on the Port regarding an automatic CPI adjustment as he mentioned earlier. He said he also has received a few concerns from the American Legion regarding the Homeless Shelter on Park Avenue that they would like to see addressed.

Mayor Sivertsen asked if Councilmember Gass could forward those concerns to the manager's office to see if they could be handled administratively first.

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.

CITY OF KETCHIKAN

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 a related field.

Experience:

CITY OF KETCHIKAN
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

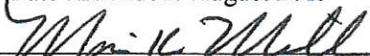
Date Approved: January 24, 2005

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
City Attorney

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City of Ketchikan, Alaska

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.