

March 18, 2021
Regular City Council Meeting

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

Karl Amylon

From: Mark Flora <allamericanauto99901@yahoo.com>
Sent: Tuesday, March 9, 2021 8:56 PM
To: Bob Sivertsen; Abby Bradberry; Sam Bergeron; David Kiffer; Mark Flora; Janalee Gage; Riley Gass; Judy Zenge; Karl Amylon; Lacey Simpson; Mark Hilson; Angel Holbrook; Kim Stanker; Taylor Lee; Eric Lunde
Subject: PHAB Meeting of march 9,2021

CAUTION: External Email

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Hi,

The Ports and Harbors Advisory Board ask that I forward a motion from our meeting of 3/9/2021.

It reads:

"I move the Port and harbors Advisory Board recommend against splitting the Port and Harbors Director position into two positions, and authorize City Council Member Flora to advise the City Manager's Office accordingly."

The motion passed unanimously.

Please be further advised that after discussion there is **zero** support from this body for the Port Director position to be under the supervision of the city council.

Thank you

Mark Flora

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**2933 Tongass Avenue
Ketchikan, Alaska 99901
Phone (907) 228-5632
Fax (907) 247-3610**

MEMORANDUM

TO: Port and Harbors Advisory Board

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

DATE: March 04, 2021

SUBJECT: Review and Recommendation of financial implications of modification of Port responsibilities and duties

At the City Council meeting of December 17, 2020, Councilmember Zenge requested a future agenda item for review and discussion of direction for the position of Port Director. This topic was an item of discussion that was raised during deliberations regarding the City's Request for Proposals process for leasing the Port. This topic was most recently discussed at the Port and Harbors Advisory Board (PHAB) Meeting of February 9, 2021. The PHAB discussion culminated with a recommendation that the City Council first clearly define any desired changes in the division of operational duties between the City and Survey Point Holdings. By identifying any shifts in responsibility, or additional responsibilities that the Port operation would assume, additions and revisions to the Port and Harbors Director's job description would in turn become apparent.

During the discussion at the February PHAB meeting, the topic of considering the financial implications of any such actions was raised. The financial implications of any changes should be carefully considered by the PHAB. For instance, the Harbor's finances significantly benefit from being able to share some expenses with the Port. Of the 10 permanent employees at Port and Harbors, all but the Port Operations Coordinator are split with varying percentages between the Port and Harbors budgets. Many other expenses are split 50/50, and when all of these cost sharing arrangements are added up, they amount to a benefit to the Harbor's bottom line of approximately \$700,000 annually (it was not the intent of this memo to perform a comprehensive accounting analysis of this arrangement, so this number may actually be much higher). With less than 800 reserved moorage stalls, it is easy to see what would have to happen to rates if Port Operations and Harbor Operations were separated i.e. creating a separate Port Department or Port Authority.

Additionally, a proposal to separate the management supervision of the Port (i.e. Port Director) from the management supervision of the Harbor (i.e. Harbormaster) has been brought forward in various public comment sessions. While on its surface this idea seems simple enough, it should also be evaluated very carefully from a financial perspective. As stated previously, all but one Port and Harbor employee are shared between the Port and the Harbors. This works because ultimately they report to one individual, the Port and Harbors Director. Having individual employees placed in a position where they would report to two different managers violates very basic management principles. Therefore, if this approach is implemented additional staff would have to be added to avoid having an employee have two different bosses. Along with

the additional staff, additional office space would be needed. Such an approach would increase the operational costs of running the Port. It would also eliminate the financial benefit of shared staff to the harbor users, raising operational costs that ultimately would have to be paid through significant rate increases to the Harbor users.

Karl Amylon

From: Mark Flora <allamericanauto99901@yahoo.com>
Sent: Tuesday, February 9, 2021 8:40 PM
To: Bob Sivertsen; Kim Stanker; Taylor Lee; Angel Holbrook; Mark Hilson; Karl Amylon; Lacey Simpson; Eric Lunde
Subject: Guidance from the PHAB

CAUTION: External Email

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Good evening,

The Ports and Harbors Advisory Board ask that I bring forward their guidance on the the topic of the new port director position.

Their guidance is that the city council should clearly define the responsibilities of the city, (port director), and Survey Point Holdings. Mr Hilson had a graphic from B and A that laid out the responsibilities of each party. This could be used as a starting template.

Consideration of a written agreement between the city and SPH should be a part of future discussions of port management.

Only after the roles of each part have been defined should the job description be created. The goals of the port director should be clearly defined within this job description.

It is also suggested that concurrent with the new port director job description, the harbormaster position should also be redefined/modified as needed.

Please include these comments from the PHAB with any materials pertaining to future agenda items regarding the port director.

If I have missed anything, I would ask Mr. Hilson or Mr. Lunde to provide comment.

Thank you,

Mark

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Port of Ketchikan		
	Current Responsibilities	
	City of Ketchikan	Survey Point Holdings
Ownership		
Investment		
Construction		
Marketing		
Scheduling		
Line Relationship		
Fiscal Agent		
Housekeeping		
Maintenance		
Major Maintenance		
Operations		
Ground Security		
Ship / Terminal Security		
Parking / Transport		
Line Handling		
Stevedoring		
Off-season / Secondary Uses		

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.

CITY OF KETCHIKAN
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

334 FRONT STREET
Ketchikan, Alaska 99901
Telephone (907) 228-5611

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.