

Proposed by:	Borough Assembly
Attorney Review:	08/10/2020
First Reading:	08/20/2020
Second Reading:	09/03/2020
Vote: 6 Aye	0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 20-20**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC SECTION 3.02.110 SKAGWAY PORT DEPARTMENT OF SMC CHAPTER 3.02 DEPARTMENTS TO UPDATE THE DEPARTMENT'S STRUCTURE AND THE POWERS AND DUTIES OF THE PORT DIRECTOR.

WHEREAS, the Port of Skagway is entering a period of time that requires focused attention from the Skagway Port Department, due to the expiration of the White Pass lease, the potential acquisition of the ferry peninsula from the State of Alaska, the receipt of a Commercial Passenger Vessel (CPV) excise tax grant to develop a master plan for the port, and the ongoing remediation of the Ore Basin; and

WHEREAS, the Municipality of Skagway acknowledges the need to hire a Port Director who would manage the Skagway Port Department under the supervision of the Borough Manager and focus the appropriate amount of time and effort on issues related to the Port of Skagway; and

WHEREAS, prior to hiring a Port Director, municipal code must be amended to reflect the desired structure of the Skagway Port Department;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. Section 3 of this ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend SMC Section 3.02.110 Skagway Port Department of SMC Chapter 3.02 Departments to update the department's structure and the powers and duties of the Port Director.

Section 3. Amendment. The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. SMC Section 3.02.110 Skagway Port Department is hereby amended as follows:

3.02.110 Skagway Port Department.

- A. Responsibilities. The port department is responsible for the development, management, operation and maintenance of all of the municipality's port facilities including the Small Boat Harbor and the municipality's side of the ferry/barge facility. ~~The port department operates through:~~

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1. ~~Port development;~~
 2. ~~Small Boat Harbor;~~
 3. ~~Ferry/barge facility.~~
- B. Department Head and Authority. ~~The department head of the port department shall be the port director. The port director shall be the borough manager until such time as the manager and assembly determines to fill the position. The borough manager shall be the department head of the port department.~~ **The assembly may at some time determine to hire a port director who would be hired by a committee chaired by the borough manager and including the mayor and an assembly member, subject to approval by the Assembly. The borough manager shall oversee the port director and the port director shall report to the borough manager. References to port director in municipal code shall mean the borough manager unless a port director is hired. The port director shall oversee the harbormaster and the harbormaster shall report to the port director, except in the absence of a port director in which case the borough manager shall oversee the harbormaster and the harbormaster shall report to the borough manager.** The harbormaster shall be responsible for the management and operation and maintenance of the Small Boat Harbor and the municipality's side of the ferry/barge facility.
- C. Powers and Duties. The port director and the harbormaster shall have all powers and duties as defined in Title 12 and will comply with Municipality of Skagway codes and policies regarding finance and personnel.
1. The **port** director shall be responsible for oversight of the port development.
 2. ~~The director, or such persons as the director may designate, shall assist the port commission, as staff time and resources may allow.~~
 32. The **port** director, ~~with advisory input from the port commission,~~ shall be responsible for the review and update of the port development master plan in accordance with Chapter 12.01, Skagway Port Commission.
 43. The harbormaster shall **manage** ~~have supervision and management of the administration of the Small Boat Harbor and the municipality's side of the ferry/barge facility in accordance with Chapter 12.04, Harbormaster.~~
 54. The harbormaster shall select personnel to serve as staff, subject to confirmation by the borough manager. **The port director shall be the supervisor of the harbormaster, except in the absence of a port director in which case the borough manager shall be the supervisor of the harbormaster.**
 6. ~~The harbormaster shall implement the policies, programs and plans of operation as adopted by the assembly.~~
 7. ~~The harbormaster, or such persons as the harbormaster may designate, shall assist the harbors advisory board in accordance with Chapter 12.06, Harbors Advisory Board.~~
 8. ~~Other related duties as assigned by the manager.~~

5. Ferry/Barge facility. In addition to the foregoing powers and duties, the port director shall have the following powers and duties with respect to the ferry/barge facility.
- a. Coordinate use of the facility with Alaska Marine Highway representatives;
 - b. Schedule and assign moorage at the municipality's side of the dock;
 - c. Monitor facilities operations for safety and noninterference with ferry operations;
 - d. Assign rentals of storage and parking space in the storage area;
 - e. Supervise provision of utility services;
 - f. Provide customer service as required;
 - g. Regularly inspect facilities, monitor maintenance, and make recommendations for repairs as required;
 - h. Maintain records of use of transfer bridge and storage area for customer billings and assist in collection of billings;
 - i. Prepare periodic reports of facility operations for review by the borough manager and the borough assembly.

Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 3rd day of September, 2020.


Andrew Cremata, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)

