

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2016-32

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING
SITKA GENERAL CODE CHAPTER 4.05 "MARINE PASSENGER FEE FUND"

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **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 application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to clarify and streamline the process by which the Marine Passenger Fee Fund is administered.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 4.05 "Marine Passenger Fee Fund" is amended as follows (new language underlined; deleted language stricken):

Chapter 4.05
Marine Passenger Fee Fund

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4.05.020 Use of proceeds.

The proceeds of the marine passenger fund shall be appropriated to address the impacts caused by the marine passenger ship industry ~~including in full compliance with all state and federal regulations governing the use of these funds.~~ CPET funds may be used for but are not limited to:

A. ~~Design, construction, operation, or maintenance of capital improvements to relieve impacts of marine passenger ships and marine passengers; For the design, construction, operation and maintenance of municipally-owned port and harbor facilities engaged in interstate and foreign commerce and interstate marine passenger transportation;~~

B. ~~Operating funds for personnel, training, commodities, rentals, services and equipment for services provided, made available to, or required as a result of marine passenger ships and marine passengers; For the design, construction, operation and maintenance of municipally-owned facilities with the exclusive purpose of enhancing the safety and efficiency of interstate and foreign commerce and interstate marine passenger transportation;~~

43 ~~C. Projects and programs that promote safety, environmental improvements, or~~
44 ~~enforcement of laws caused or required by marine passenger ships and marine~~
45 ~~passengers; To pay for personnel, supply, equipment, and rental costs which enhance~~
46 ~~the safety and efficiency of interstate and foreign commerce and interstate marine~~
47 ~~passenger transportation if such costs are directly and exclusively related to the safety~~
48 ~~and efficiency of interstate and foreign commerce and interstate marine passenger~~
49 ~~transportation, or, if such costs can be determined by an auditable allocation method~~
50 ~~which calculates the percentage of total costs which are attributable to interstate and~~
51 ~~foreign commerce and interstate marine passenger transportation;~~

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53 ~~D. Acquisition of land required to execute the activities listed in this section; For the~~
54 ~~municipal portion of the costs of the design and construction of facilities funded through~~
55 ~~a matching grant from State of Alaska Commercial Passenger Excise Tax proceeds and~~
56 ~~with the approval of the State of Alaska.~~

57 ~~E. Beautification and enhancement of the facilities listed in this section;~~

58 ~~F. Surveys, analyses, polls, plans, monitoring, and similar efforts to measure, describe~~
59 ~~or predict, or manage the impacts of marine passenger ships and marine passengers,~~
60 ~~for items listed in this section.~~

61 **4.05.030 Procedures.**

62 ~~A. Annual Formation of the Marine Passenger Fee Fund Committee (MPFFC).~~
63 ~~Annually, no later than May 15th when projects and funding exist, the members of the~~
64 ~~MPFFC shall be reestablished to participate in the review and solicitation of projects for~~
65 ~~the marine passenger fee fund implementation plan. The MPFFC shall be made up of~~
66 ~~members representing the cruise line industry, Sitka Tribe of Alaska, Sitka convention~~
67 ~~and visitors bureau, tourism commission, port and harbors commission, historic~~
68 ~~preservation commission, and city and borough staff directly involved with capital~~
69 ~~projects and funding, including the administrator, finance director, and public works~~
70 ~~director. The administrator will notify the Assembly on an annual or as needed basis~~
71 ~~when there is a sufficient balance in the Marine Passenger Fee Fund for a solicitation of~~
72 ~~project proposals. Upon approval of the Assembly, the Administrator will initiate a call~~
73 ~~for proposals consistent with the use of CPET funds per section 4.05.020. The~~
74 ~~Assembly will review and select proposals for funding.~~

75 ~~B. Preparation of Marine Passenger Fee Fund Implementation Plan (MPFFIP). When~~
76 ~~projects and funding exist, the administrator shall annually prepare a draft MPFFIP~~
77 ~~identifying current active and planned projects for the next fiscal year, and submit it to~~
78 ~~the assembly for approval no later than the last assembly meeting in June. When~~
79 ~~undedicated funding is available for new projects, and then no later than July 15th, the~~
80 ~~administrator shall solicit new requests for marine passenger fee fund projects. The~~
81 ~~solicitation, including the current assembly-approved plan and a submission form for~~

82 ~~new projects, will be available on the municipal website and in the municipal clerk's~~
83 ~~office. Annually, a PSA announcing this posting will be published in the newspaper of~~
84 ~~general circulation and sent to the local media no later than July 15th. The public~~
85 ~~solicitation period will close annually on August 15th.~~

86 ~~C.— Annually, no later than September 15th, or when projects and funding exist, the~~
87 ~~current assembly-approved plan and the submitted project request forms shall be~~
88 ~~forwarded to the MPFFC to be reviewed. The MPFFC will review the project request~~
89 ~~forms and, no later than October 15th, submit a recommendation to the administrator~~
90 ~~regarding the merits of all requested projects and any recommended revisions to the~~
91 ~~current plan.~~

92 ~~D.— The administrator will prepare recommendations regarding proposed projects.~~
93 ~~Annually, no later than November 1st, or only when project and funding exist, the~~
94 ~~administrator's final recommendations will be posted on the municipal website and a~~
95 ~~PSA announcing this posting shall be published in a newspaper of general circulation~~
96 ~~and sent to the local media. The administrator shall forward all submittals, comments,~~
97 ~~and documents received timely related to the solicitation, including review comments by~~
98 ~~the MPFFC and the administrator's final recommendations, to the assembly. The~~
99 ~~assembly shall vote on the recommendations during its first regularly scheduled~~
100 ~~meeting in November.~~

101 ~~EB.~~ Project funds shall be transferred or expended from the marine passenger fee
102 fund only to the extent approved by the assembly.

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105 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of
106 its passage.

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109 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
110 Alaska this 27th day of September, 2016.

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114 _____
Matthew Hunter, Deputy Mayor

115 ATTEST:

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118 _____
119 Sara Peterson, CMC
120 Municipal Clerk