

## **POSSIBLE MOTION**

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**I MOVE TO** approve Ordinance 2011-29  
on second and final reading.

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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING  
SITKA GENERAL CODE CHAPTER 4.05 ENTITLED "MARINE PASSENGER  
FEE FUND", AT SECTION 4.05.030 ENTITLED "PROCEDURES"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the City and Borough of Sitka General Code (SGC).

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The Tourism Commission has unanimously requested that SGC 4.05.030 entitled "Procedures" be re-written for the purposes of appropriating the Marine Passenger Fee Fund proceeds the City and Borough of Sitka receives from the State of Alaska.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 4.05.30 entitled "Procedures" is amended as follows (new language underlined; deleted language stricken):

**Section 4.05.030 Procedures.**

- A. **Annual formation of the Marine Passenger Fee Fund Committee (MPFFC).** Annually, no later than May 15<sup>th</sup>, the members of the MPFFC shall be reestablished to participate in the review and solicitation of projects for the Marine Passenger Fee Fund Implementation Plan. The MPFFC shall be made up of members representing the cruise line industry, Sitka Tribe of Alaska, Sitka Convention and Visitors Bureau, Tourism Commission, Port and Harbors Commission, Historic Preservation Commission, and City and Borough staff directly involved with capital projects and funding, including the Administrator, Finance Director, and Public Works Director.

~~Preparation of list. The Administrator shall annually solicit for marine passenger fee project requests. The solicitation will be posted on the City and Borough of Sitka website and published in a newspaper of general circulation no later than December 1. The Administrator shall annually no later than January 1, prepare a draft list of projects and programs proposed for funding in the City and Borough budget for the following year by revenues from the passenger fee.~~

- B. **Preparation of Marine Passenger Fee Fund Implementation Plan (MPFFIP).** The Administrator shall annually prepare a draft MPFFIP

identifying current active and planned projects for the next fiscal year, and submit them to the Assembly for approval no later than the last Assembly meeting in June. Annually, no later than July 15th, the Administrator shall solicit new requests for Marine Passenger Fee Fund projects. The solicitation, including the current Assembly approved Plan and a submission form for new projects will be available on the municipal website and in the Municipal Clerk's office. Annually, a PSA announcing this posting will be published in the newspaper of general circulation and sent to the local media no later than July 15<sup>th</sup>. The public solicitation period will close annually on August 15<sup>th</sup>.

~~The draft list shall be posted on the City and Borough of Sitka website and forwarded to the cruise line industry, the Sitka Convention and Visitors Bureau, the Tourism Committee, and the Port and Harbor committee not later than January 15, providing an opportunity for the public, cruise line industry, and the three boards to review and comment on the draft list. The comment period shall close on February 15. The Administrator's final recommendations will be posted on the City and Borough of Sitka website and published in a newspaper of general circulation no later than March 1.~~

- C Annually, no later than September 15<sup>th</sup>, the current Assembly approved Plan and the submitted project request forms shall be forwarded to the MPFFC to be reviewed. The MPFFC will review the project request forms, and no later than October 15<sup>th</sup>, submit a recommendation to the Administrator regarding the merits of all requested projects and any recommended revisions to the current Plan.

~~The Administrator shall forward all submittals, cruise line industry comments, the three boards comments, public comments, and the Administrator's final recommendations to the Assembly for consideration. The Assembly will approve the recommendations during its deliberations on the annual City and Borough budget.~~

- D. The Administrator will prepare recommendations regarding proposed projects. Annually, no later than November 1<sup>st</sup>, the Administrator's final recommendations will be posted on the municipal website and a PSA announcing this posting shall be published in a newspaper of general circulation and sent to the local media. The Administrator shall forward all submittals, comments, and documents received timely related to the solicitation, including review comments by the MPFFC and the Administrator's final recommendations to the Assembly. The Assembly shall vote on the recommendations during its first regularly scheduled meeting in November.

~~Funds shall be transferred or expended from the marine passenger fund only to the extent authorized by the Assembly by ordinance.~~

96           **E. Funds shall be transferred or expended from the Marine Passenger Fee**  
97           **Fund only to the extent approved by the Assembly.**  
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99           5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the  
100 date of its passage.  
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102 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
103 Sitka, Alaska this 12<sup>th</sup> day of July, 2011.  
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106 Cheryl Westover, Mayor

107 ATTEST:  
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110 Colleen Ingman, MMC  
111 Municipal Clerk  
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