

CITY OF HOMER
HOMER, ALASKA

City Manager/Port Director

ORDINANCE 24-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
ADOPTING THE REVISED PORT OF HOMER ALASKA TERMINAL
TARIFF NO.1

WHEREAS, The Port and Harbor Tariff No. 1 is reviewed and updated annually; and

WHEREAS, Staff has completed its annual review and submitted edits, changes, and additions for review; and

WHEREAS, The proposed changes were reviewed by JDOLaw, the city's contracted law firm; and

WHEREAS, The Port and Harbor Advisory Commission also reviewed the revised tariff at their September 2024 meeting and made a motion recommending that council approve changes to Port and Harbor Tariff No. 1; and

WHEREAS, The revised Tariff No. 1 accurately represents the Homer Harbor's current and planned operational and fiscal policies.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Port of Homer Alaska Terminal Tariff No. 1, is hereby amended to read as follows:

Under Rule 5-LIABILITY, INDEMNITY, INSURANCE-

RULE 5 – LIABILITY, INDEMNITY, INSURANCE

5.01. **CARGO** LIABILITY – The City of Homer, its Port personnel, its employees and agents, shall not be held liable ~~are not responsible~~ for any loss or damage to cargo regardless if the loss or damage is the result of ~~caused by~~ fire, frost, heat, dampness leakage, weather damage, evaporation, natural shrinkage, waste, insects, decayed and live animals, leakage or discharge from fire protection systems, collapse of buildings or structures, breakdown of plant protection systems, breakage of plant or machinery or equipment, or is caused by floats, logs, piling or camel logs required in breasting vessels away from wharf, or caused by anything outside the control of the City.

5.02. LABOR ACTIONS OF CIVIL UNREST – The City of Homer shall not be held liable ~~is not responsible~~ for any loss, damage, delays, costs or from any consequences as a result of civil

unrest, shortage of or action by labor, riots or strikes of any persons in their employ or in the service of others.

5.03. INDEMNITY

(A) DEFENSE AND INDEMNITY

Users of the City of Homer's **Terminal Facilities, as defined in this Tariff, Section 3.02.** ~~Port facilities~~ including **but not limited to, vessels owners and crew members, their vessel owners and its agents or instruments, shippers or consignees, and shore personnel shall defend,** indemnify and hold harmless the City **of Homer, its officers, employees, and agents** against any and all claims, **demands, losses, damages, or expenses** arising from any breach or default in performance of any obligation to such parties to be performed under the terms of this Tariff or arising from any act or omission of said parties **and** for all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claims, action or proceeding brought against the City of Homer except for those caused by the City's own negligence.

(B) MOORAGE AT HOMER'S TERMINAL FACILITIES

Vessel owners and operators shall defend, indemnify, and hold harmless the City of Homer, its officers, employees, and agents against any and all claims, demands, losses, damages, or expenses arising from or connected to moorage at the City of Homer's Terminal Facilities brought against the City except for those caused by the City's own negligence. The City shall not be held liable for any loss or damage incurred to the vessel or its associated items or be regarded as a "bailee" or "warehouseman". Vessel owners use the City of Homer's Terminal facilities moorage at their own risk; the City is not responsible for providing products or services to protect vessels from damage.

~~5.04. LIMITS OF LIABILITY No provisions contained in this Tariff shall limit or relieve the Port of Homer from liability for its own negligence nor require any person, vessel or lessee to indemnify or hold harmless the Port of Homer from liability for its own negligence.~~

5.04 INSURANCE – Rates named in the Tariff do not include insurance of any kind. The City of Homer shall be under no obligation to provide any insurance of any type for any vessel, cargo, or liability arising out of use of the City docks or Terminal facilities. Terminal facility users shall comply with any applicable insurance requirements included in **this Tariff and** the Homer City Code or Alaska Statutes.

5.05 All vessel owners using the City of Homer's Terminal Facilities are required to carry liability insurance with a minimum of \$300,000 coverage and add the City as a certificate holder. Transient moorage users who do not provide proof of liability insurance will only be permitted to purchase moorage at the daily rate. Reserved moorage users who do not provide proof of liability insurance will not be permitted to renew their stall permit. Commercial boats-defined as vessels that are operated as part of a business, including but not limited to commercial fishing, charter fishing, vessel-for-hire, freight, tow, and construction are required to carry at a minimum \$1,000,000 of liability insurance, and to add the City of Homer as an additional insured with waiver of subrogation. All reserved

stall holders, annual and semi-annual transient moorage users are required to add the City of Homer as a certificate holder. Human-powered vessels are exempt from these insurance requirements.

5.06 ADDITIONAL INSURANCE – The City reserves the right to ~~require request~~ additional insurance coverage by users of the Port’s facilities or to be named additional insured at the discretion of the City. The City may request any additional insurance as deemed appropriate for port activities. For vessels that may be hazardous or become a menace to other vessels, their occupants, City facilities, the Port Director or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City. The vessel’s owner or agent shall file a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date.

Under Rule 16 RATES: Labor, Towing, Pumping, Equipment, Special Services, Sewage, Third Party Billing, Search & Rescue-

16.05. SPECIAL SERVICES – Special services including waste, ~~bulk oil~~, or garbage disposal shall be billed at the City’s actual cost, including City labor costs, plus 125% of City costs for services. This includes the costs for outside services arranged and paid for by the City. **For bulk oil disposal fees see Appendix A Fee Schedule.** Except where otherwise required by law, the Port Director has the authority to provide, arrange for or refuse the provision of services in addition to those set out in this Tariff.

Under Rule 21 DOCK FUELING & BUNKERING AT THE PIONEER DOCK & DEEP WATER DOCK-

21.01. SPECIAL TERMINAL USE PERMIT AND REQUIREMENTS: For Petroleum Product Transfer – Fueling vessels at the Pioneer Dock and the Deep Water Dock by truck or vessel is permitted with the permission of the Port Director and the completion of a Special Terminal Use Permit. The Special Terminal Use Permit shall be completed ~~annually with an annual~~ **every three years with its associated** permit issuance fee. Fee cost can be found in Appendix A fee schedule. In addition, the Permittee shall file timely fuel wharfage reports stating the gallons of petroleum product dispensed with the required payment.

Under APPENDIX A-FEE SCHEDULE-

APPENDIX A- FEE SCHEDULE

The Port Director has authority to protect rates against inflation, raising them by a calculated percentage using the Consumer Price Index –Urban Alaska/Anchorage table, at the Port Director’s discretion and with City Council’s approval.

PORT & HARBOR FEES

Effective 1/1/2024

Please add 7.85% sales tax to fees unless otherwise noted

FISH DOCK

Note: Vessels left unattended at Fish Dock or obstructing access will be charged \$150.00 per hour

- Fish Dock use permit: \$5.00 per issuance
- Special Terminal use permit: \$200 per issuance
- Annual Crane Card: \$52.00 w/signed Authorization Agreement
- Crane Card Replacement: \$5.00 per card replaced
- Cranes:

0 - 15 minutes	\$22.66	<u>Crane Capacity</u> :
16 - 30 minutes		\$45.32 2½ ton #1, #3, #4, #5, #6, #8
31 - 45 minutes		\$67.98 5 ton #2, #7
46 - 60 minutes	\$90.64	
- Ice:

\$ 130.90 Per Ton
After hours call out for Ice delivery = \$250.00 fee per call out
- Seafood Wharfage: \$4.76 per ton of seafood/fish product across the dock, regardless of species
- Ice/Non Fish Wharfage: \$14.50/ton, Includes ice not purchased from City & transferred Freight NOS over Fish Dock
- Community Fish Grinder: \$5 per tub (approx. 100lbs), \$30 per tote (approx. 1,000lbs); processing plant connection fee to outfall line \$7,000 (can be in 5 annual installments plus 7.5% interest); Annual outfall connection maintenance fee \$2,400.
- Cold Storage:

- Lockers #1 – 8 (8' x 10')	\$334.75 per month
- Locker #9 (10' x 22')	\$920.90 per month
– Inspections \$50.00 per hour	

HARBOR

- Harbor Labor:

\$200.00 per hour, plus equipment and direct costs (towing)
<u>\$100.00/half hour minimum</u>
- Pumps:

\$40.79/day for electric pump
\$69.97/hour for gas pump, minimum charge of one hour. Includes attendant time
- Tow: skiff with operator 1 hour \$365.00
- Load & Launch Ramp: (Fees are inclusive of sales tax)

\$25 per day - (\$13.00 launch fee plus a \$12 parking impact levy for a total of \$25)
\$250 per season (April 1 – Oct. 15) - (\$130.00 launch fee plus \$120 parking impact levy= \$250)

175 \$25.00 per hour for unattended vessel/blocking ramps
176 \$100 penalty for commercial loading @ L&L ramp during peak hours
177 between 6am-6pm
178 • **Insufficient Funds:** \$50 insufficient funds check fee
179
180 **GRIDS** Required: moorage agreement, grid utilization form, schedule, & pay in
181 advance for first tide
182 • **Wood:** Max. 59 feet
183 0-59 feet \$2.10/ft/tide
184 • **Steel:** Max. 200 displacement tons - vessels 60 ft. to 120 ft
185 60-80 feet \$5.10/ft/tide 101-120 feet \$7.64/ft/tide
186 81-100 feet \$6.50/ft/tide 121-140 feet \$8.48/ft/tide
187
188 **STALL WAIT LIST** Stalls are offered once a year, mid-October
189 • **Stall Wait List:** \$30.00 per year per listing; prorated fee to the May Stall Wait List due
190 date
191 • **Stall Swap Request:** ~~\$25.00~~ **\$100** per request
192
193 **ELECTRICITY** Billing cycle is the 16th to the 15th of each month; Kilowatt cost
194 determined by public utility
195 • **Daily/Flat Rate:** 110v \$10.20/calendar day (monthly rate after 15
196 days)
197 208v/single phase \$20.12/calendar day (monthly rate after 17
198 days)
199 208v/3 phase \$45.20/calendar day (monthly rate after 7
200 consecutive days)
201 • **Monthly Rate:** 110v \$152.67
202 208v/single phase \$341.70
203 208v/3 phase & 480v \$28.80 + electrical usage charge per kilowatt
204 • **Metered Reserved Stalls:** \$23.95/month + electrical usage charge per kilowatt
205 Vacancy notification waiver available
206 • **Winter Power:** \$28.80 connect/disconnect fee + \$28.80/month + electrical usage
207 charge per kilowatt
208 Available October 16 – April 15 with signed application
209 Note: A transient vessel connected to power April 16 - October 15 will be charged the daily rate.
210 If a transient vessel consumes more electricity than would be covered by these flat rates, then
211 such transient vessel shall be charged for the actual consumption. Charges for kilowatts may
212 be adjusted without advance notice.

213 PORT

214 • Barge Ramp/Beach Use:

- 215 01' - 36' = \$1.50 per ft based on length overall of vessel + 1 ton wharfage (\$5.14)
 216 37' - 49' = \$1.50 per ft based on length overall of vessel + 2 tons wharfage (\$10.28)
 217 50'+ = \$1.50 per ft based on length overall of vessel (+ wharfage as reported)
 218 Annual Pass (Jan 1-Dec 31) for vessels ≤ 36' = (landing + 1 ton wharfage) x 10
 219 Annual Pass (Jan 1-Dec 31) for vessels 37' to 49' = (landing + 2 tons wharfage) x 10
 220 Penalty for going dry on barge ramp/causing restricted access- \$150 per tide cycle

222 • Dockage:

223 Note: These charges are applicable to all berthing locations on the Deep Water Dock and
 224 Pioneer Dock

- 225 - \$ 963.06 Cruise Ship Service Charge
 226 - \$52.00 Dockage Service Charge
 227 - Lightering Fee \$1,500, plus \$6.00 per passenger
 228 - Passenger wharfage fee (non-regulated) \$0.00 per passenger
 229 - Passenger wharfage fee (regulated) \$0.00 per passenger

230 -Gangway Rental- \$100 per day

231 -Camel Fender Rental \$50 per day

232

0' to 100'	\$338	<u>\$392</u>	451' to 475'	\$1,604	<u>\$1,861</u>	651' to 675'	\$3,917	<u>\$4,544</u>
101' to 200'	\$506	<u>\$587</u>	476' to 500'	\$1,762	<u>\$2,044</u>	676' to 700'	\$4,420	<u>\$5,127</u>
201' to 300'	\$788	<u>\$914</u>	501' to 525'	\$1,996	<u>\$2,315</u>	701' to 725'	\$5,119	<u>\$5,938</u>
301' to 350'	\$1,005	<u>\$1,166</u>	526' to 550'	\$2,154	<u>\$2,499</u>	726' to 750'	\$5,858	<u>\$6,795</u>
351' to 375'	\$1,098	<u>\$1,274</u>	551' to 575'	\$2,334	<u>\$2,707</u>	751' to 775'	\$6,644	<u>\$7,707</u>
376' to 400'	\$1,206	<u>\$1,399</u>	576' to 600'	\$2,582	<u>\$2,995</u>	776' to 800'	\$7,459	<u>\$8,652</u>

401' to 425'	\$1,337	<u>\$1,551</u>	601' to 625'	\$2,957	<u>\$3,430</u>
426' to 450'	\$1,490	<u>\$1,728</u>	626' to 650'	\$3,443	<u>\$3,994</u>

(lightering fees and passenger wharfage fees shall be calculated by full passenger manifest regardless of how many passengers disembark)

• **Storage:**

Open areas, fishing gear \$.12 per square foot/month
Open areas, non-fishing gear \$.17 square foot/month
Fenced storage yard \$0.22/sq ft/month
Deck Shelter Storage- prearranged \$35/per month
Demurrage - \$.09 per sq ft per day

(Haul- Out Facility)

Upland Dry Dockage for vessel w/annual moorage= \$.17 per sq

ft/month

Upland Dry Dockage for vessel w/transient moorage = \$.20 per sq

ft/month

Upland Dry Dockage for vessel w/ no moorage= \$.25 per sq ft/month

Dry Moorage - \$0 w/ current annual moorage paid (only available for large vessels with annual moorage, priority shall be given to Upland Dry Dockage needs over Dry moorage)

Dry Dockage admin fee \$50

Haul Out facility Vendor Fee \$150

• **Water:**

\$38.81 per 1,000 gal. – minimum 5,000 gals
Scheduled delivery – \$102.00 connect/disconnect
Unscheduled delivery – \$139.32 connect/disconnect

• **Wharfage:**

\$5.14/ton wharfage on N.O.S. Freight (Not Otherwise Specified) for the Barge Ramp & Beach
\$7.96/ton wharfage on N.O.S. Freight for the Deep Water Dock & Pioneer Dock

Except as otherwise specifically provided, rates are in

264 U.S. dollars (USD) per short ton of 2000 lbs. or per 32 cubic foot. Short ton
265 =0.907185 metric tons (mt)

COMMODITY	WHARFAGE RATE (\$USD)
Aggregate (Gravel, stone, minerals)	\$1.00 per short ton/\$1.10 per mt
Agricultural Products (Grains, corn, legumes, etc.)	\$3.50 per short ton/\$3.86 per mt
Containerized Cargo	\$8.00 per short ton/\$8.82 per mt
Freight N.O.S. (Pioneer/Deep Water Docks) 1 ≥ 100 Short tons	\$7.96 per short ton/\$8.77 per mt
Freight N.O.S. (Pioneer/Deep Water Docks) 101 ≥ 1,000 Short Tons	\$6.00 per short ton/\$6.61 per mt
Freight N.O.S. (Pioneer/Deep Water Docks) 1,001 ≥ 10,000 Short Tons 10,000 + Short Tons	\$5.00 per short ton/\$5.51 per mt \$4.50 per short ton/\$4.96 per mt
Freight N.O.S. (Barge Ramp and Beach)	\$5.14 per short ton/ \$5.67 per mt
Freight N.O.S. (Fish Dock) ICE Fish Dock	\$14.50 per short ton/ 15.98 per mt \$14.50 per short ton/ 15.98 per mt
Hazardous materials, as established by Dept of Transportation materials commodity List. At location designated for loading, unloading or staging by USCG permit	\$8.00 per ton /Min. 1 ton
Livestock (horses, mules, cattle, hogs, sheep, goats, fowl)	\$10.12 per head
Petroleum	\$0.84 \$1.26 per barrel/ \$0.02 \$0.03 per gallon
Poles, Logs, cant or cut	\$3.95 per thousand board feet
Seafood/Fish Products (regardless of species) (all docks)	\$4.76 per short ton/\$5.24 per mt

266
267 • Disposal Oil \$50/drum
268 Used Antifreeze \$8.00/gallon

269		Oily Water/Bilge Slop	\$5.00 /gal delivered in drums
270	<u>PARKING</u>		
271	• <u>Fee pay day use parking:</u>	Day Use Fee Parking	\$10 per calendar day
272		Seasonal permits for day use parking	\$150
273		Monthly permits for day use parking	\$100.
274	• <u>Long term parking:</u>	Annual parking permit	\$150
275		Monthly parking permit >20ft	\$70
276		Monthly parking permit <20ft	\$85 \$70
277		Weekly parking permit >20ft	\$25
278		Weekly parking permit <20ft	\$35
279		Trailer parking (no boat)	\$7 per linear ft./month
280		Parking Citation	\$25 per citation
281		Failure to pay parking citation	\$25 for each month
282	past due		

283 * Parking permits refer to vehicles unless otherwise specified as “trailer”. Citations specific to
284 long term parking overstay shall be limited to \$250 per calendar year, with \$150 of the fine
285 credited toward an annual permit if applicable

287 MOORAGE

288 Note: Mooring charges commence when a vessel is made fast to a wharf, pier, harbor float or
289 other facility. A vessel moored between 12:01 a.m. and 10:00 a.m. shall be charged a full day’s
290 moorage.

291 • Reserved: ~~[\$63.41~~ **70.77** + (LOA x \$.05)] x LOA, plus a \$50.00 administrative fee.
292 (\$.05/ft caps at 86’)

293 • Annual Transient: ~~[\$63.41~~ **70.77** + (LOA x \$.05)] x LOA, plus a \$50.00 administrative fee.
294 (\$.05/ft caps at 86’)

295 • Semi-Annual Transient: ~~[\$42.48~~ **47.42** + (LOA x \$.05)] x LOA, plus \$33.50 administrative
296 fee (\$.05/ft caps at 86’)

297 • Monthly Transient: ~~[\$10.78~~ **12.03** + (LOA x \$.05)] x LOA, plus \$8.50 administrative fee
298 (\$.05/ft caps at 86’)

299 *Vessels that properly register and prepay moorage may deduct
300 \$0.50/foot/month

301 • Daily: ~~[\$1.90~~ **2.12** + (LOA x \$.05)] x LOA, plus \$1.50 administrative fee (\$.05/ft
302 caps at 86’)

303 *Vessels that properly register and prepay moorage may deduct
304 \$5.00/day

306 Section 2. This Ordinance is of a permanent and general character.

307

Section 3. This ordinance is effective January 1, 2025.

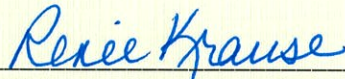
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 28th day of October, 2024.

CITY OF HOMER

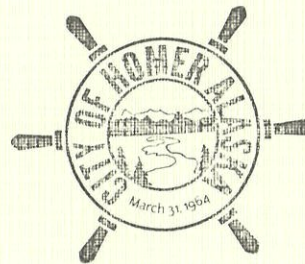


RACHEL LORD, MAYOR

ATTEST:



RENEE KRAUSE, MMC, CITY CLERK



YES: 5

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 10/14/24

Public Hearing: 10/28/24

Second Reading: 10/28/24

Effective Date: 10/29/24



MEMORANDUM

Ordinance 24-53 Adopting the revised Port of Homer Alaska Terminal Tariff No. 1

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: October 2 2024
From: Bryan Hawkins, Port Director
Through: Melissa Jacobsen, City Manager

Staff conduct an annual review of our Port of Homer Tariff No. 1 to make sure it reflects our current policies and rates, submitting any prospective changes to the City for review and approval. The following information listed below pertains to this year's proposed edits/changes.

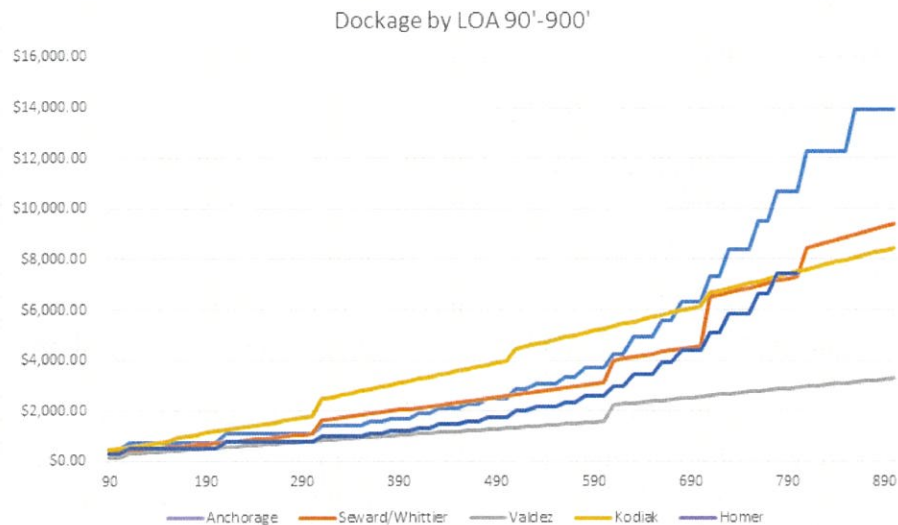
Policies

- Liability, indemnity, Insurance [RULE 5]- The City Lawyers and staff have revised the insurance language sections to clarify and better represent the requirements to protect both users and the City as they utilize harbor facilities.
- Special Terminal Use Permits [Rule 21.01]- For administrative reasons, all Terminal Use Permits have been changed from annual renewal requirements to every 3 years. The proposed language change is to reflect current policy

Fees

- Cold Storage Inspection fee \$50- removing fee- In practice, we don't use this fee.
- Stall Swap Request \$25- increase of fee to \$100- Stall Swap Requests represent individual preferences of a stall permittee who wishes to relocate to another location within their stall size class within the harbor. Unlike stall wait lists, these individual requests take significant staff time and attention in both the initial request period and the later tracking until a match is found. Also, unlike stall waitlists that require an annual fee to remain on the list, the stall swap request is a one-time fee and remains on file until a new location fitting the requested perimeters is found. Operations has requested an increase in this fee to \$100 to represent the associated staff time.
- Gangway and Camel Rental Fee -addition- We already rent these items. The addition of these fees in the tariff is intended to match the tariff to current operational administrative policy.

- Dockage, Deep Water Dock & Pioneer Dock- increase fee - We have not adjusted these fees in about a decade and a recent informal rate study conducted with similar nearby harbors has shown that we have been outpaced and our fees are too low to maintain the infrastructure effectively. (see attached graph). Staff recommend a 16% increase this year, with an annual 5% increase (mirroring our moorage rate structure) applied to following years moving forward. This planned increase would get us back to competitive rates by 2027. We also plan to conduct another informal comparison study again in 3-5 years to reassess.



- Dry moorage- Large Vessel Haul Out Facility- add- Due to overcrowding within the harbor basin, during the winter months on System 5, available space at the Large vessel haul out facility has been utilized for dry moorage with preference of use/space always given to those vessels that are conducting work.
- Parking. Monthly pass for vehicles over 20ft, decrease- The decrease from \$85 to \$70 for the monthly parking pass for vehicles over 20ft is necessary with the new online ability to purchase parking passes. A “monthly pass” will now simply be \$70 for ease of both software and human navigation.
- Moorage- increase fee- Adjustments for next year’s commodity rate have been added in preparation for January 1 2025 per the Homer Harbor’s current moorage rate and CPI increase policies.

Port and Harbor Advisory Commission made a motion in support of tariff changes and recommended council approval of Ordinance 24-53

RECOMMENDATION:

Move to recommend Council approval of Ordinance 24-53 adopting the proposed changes to Tariff No. 1.

10.C. Tariff Edits for 2025
Memorandum from Port Director as backup

Chair Siekaniec introduced the item by reading of the title and deferred to Port Director Hawkins. Mr. Hawkins explained that the largest change to the tariff was in regards to insurance for vessels, noting that the limits for commercial vessels has been changed to \$1 million, whereas the limit for all other vessels is \$300,000. There was brief discussion regarding moorage, the right to deny access to vessels who don't have insurance, and the work skiff exemption.

FRIEND/ZEISET MOVED TO AMEND THE EFFECTIVE BEGINNING DATE OF THE WORK SKIFF EXEMPTION TO JANUARY 1, 2026.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

SHAVELSON/ZEISET MOVED TO FORWARD TO HOMER CITY COUNCIL THE ANNUAL PORT TARIFF #1 CHANGES REFLECTED IN THE SEPTEMBER 18, 2024 MEMORANDUM FROM STAFF ALONG WITH THE AMENDMENT TO THE EFFECTIVE DATE OF THE WORK SKIFF EXEMPTION.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

11. INFORMATIONAL MATERIALS

11.A. September 2024 Port Operations Report
August 2024 Statistics

11.B. September City Manager's Report to Council

CM's Report for September 9, 2024
CM's Report for September 23, 2024

12. COMMENTS OF THE AUDIENCE (3 minute time limit)

13. COMMENTS OF THE CITY STAFF

14. COMMENTS OF THE MAYOR