

MATANUSKA SUSITNA BOROUGH

PORT COMMISSION AGENDA

CHAIRPERSON

Dane Crowley

VICE CHAIR

Fred Elvsaas



COMMISSION MEMBERS

John Pike

Bryan Scoresby

Christopher Gerteisen

Assembly Member Bill Gamble

October 20, 2025
Regular Meeting
CONFERENCE ROOM 203, DSJ
3:00 P.M.

Microsoft Teams Meeting ID: 244 853 258 369

Passcode: g5Ms7Sw7

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Special Meeting September 29, 2025

4. AGENCY AND STAFF REPORTS

A. Mr. Dave Griffin, Port Director

- Quarterly Update/Operating Budget
- Open House Update
- Business Development:

Crowley Fuels
Terra Energy
Nova Minerals

- Grant Updates:

USDOT FY2025 Better Utilizing Investments to Leverage Development (BUILD) -
Barge Ramp Project

FEMA Port Security Grant Program (PSGP) -Legislation in draft process.

FY2025 Port Infrastructure Development Program (PIDP)

US DOT Build America Bureau, 2025 Rural and Tribal Assistance (RTA) Grant

- Legislation Updates
IM No. 25-215; INFORMATION MEMORANDUM INFORMING THE ASSEMBLY OF THE SUBMITTAL OF A U.S. DEPARTMENT OF TRANSPORTATION, BUILD AMERICA BUREAU, 2025 RURAL AND TRIBAL ASSISTANCE (RTA) PILOT PROGRAM GRANT APPLICATION REQUESTING \$890,000. FOR DEVELOPMENT OF A PORT DISTRICT MASTER PLAN: PORT, ROAD, AND RAIL LOOP IMPROVEMENTS.
- Work Session/Increase PC Meeting Schedule

- B. Mr. Joe Metzger, Land Resource Mgmt. Div. Manager
 - Review Port Lease/Permit Activities

5. PERSONS TO BE HEARD

- A. Keith Meyer, Natural Gas Power Plant Presentation

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- A. Tariff Update 2026
- B. Review Code Title 18: Port, Chapter 18.03 Port Commission: Establishment of Powers, Authority and Duties
- C. Conveyor Removal

8. CORRESPONDENCE AND INFORMATION

9. ADMINISTRATION AND COMMISSION MEMBER COMMENTS

10. ADJOURNMENT

I. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLIGENCE

The regular meeting of the Port Commission was held in the DSJ Lower-Level Conference Room and called to order at 3:04 p.m. by Commissioner Scoresby. Assembly Member Bill Gamble led the pledge of allegiance.

Commission members present and establishing a quorum were:

Mr. John Pike

Mr. Bryan Scoresby

Mr. Christopher Gerteisen

Mr. Fred Elvsass (arrived at 3:15)

Assembly Member Mr. Bill Gamble

Commission members absent and excused were:

Mr. Dane Crowley

Staff in attendance were:

Mr. Dave Griffin, Port Director

Mr. Joe Metzger, Land Resource Mgmt. Division Manager

1. APPROVAL OF AGENDA WITHOUT OBJECTION

2. APPROVAL OF MINUTES WITHOUT OBJECTION

A. Regular Meeting, July 21, 2025

3. AGENCY AND STAFF REPORTS

A. Mr. Dave Griffin, Port Director

- Port events update: Arctic Edge 2025 military exercises were successful.
- Port legislative open house events were a success, had quite a few legislators and public attended. Planning a public open house for Saturday, October 4 from 10:00 am to 3:00 pm.
- Business activity updates: Crowley Fuels has submitted a commercial lease/land use authorization. The process is still in the early stages. The plan would include a 20-million-gallon tank farm with lines and infrastructure to and from the deep draft dock for import/export operations.

Discussion Ensued.

- Port MacKenzie received a \$709,00.00 FEMA grant award for enhanced port security improvements.
- There may be a need to hold more Port Commission meetings due to activity and upcoming projects.

Discussion Ensued.

B. Mr. Joe Metzger, Land & Resource Mgmt. Division Manager

- Provides quick summary of the Terra Energy group and introduces members online, Mr. Jason Motyka and Chad Schleucher
4. PERSONS TO BE HEARD: Terra Energy Group, Chad Schleucher and Jason Motyka (via teams) provided a brief presentation of the development plan for the coal power plant and campus site location at Port MacKenzie.

Discussion Ensued.

- Mr. Roger Spillman inquired and commented via teams
- Mr. Jack Barrett inquired and commented via teams

Discussion Ensued

5. UNFINISHED BUSINESS: None

6. NEW BUSINESS:

RESOLUTION 25-01, A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PORT COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.23 PORT MACKENZIE SPECIAL USE DISTRICT TO REPEAL MSB 17.23.150 DEVELOPMENT PERMIT REQUIRED AND ASSOCIATED STANDARDS.

Commissioners discuss Resolution 25-01

Assembly Member Bill Gamble moved to adopt Port Commission Resolution 25-01. The motion was seconded by Commissioner John Pike.

Port Commission Resolution 25-01 passed unanimously.

7. ADMINISTRATION AND COMMISSION MEMBER COMMENTS

Commissioner Bryan Scoresby- comments this is confirmation of the idea that Port MacKenzie is the most valuable piece of real estate in the Mat-Su Borrough.

Commissioner John Pike- comments he would like to see the port commission have some round table meeting to establish a plan for moving forward with lease and business developments.

Assistant Port Operations Manager Corinne Lindfors- comments on the increasing activity and need for more regular meetings and/or work sessions.

Port Director Dave Griffin- comments he would like to add the discussion of more Port Commission meetings and the upcoming Tariff review to the next agenda.

Land & Resource Mgmt. Division Manager Joe Metzgar- thanks the folks from Terra Energy for participating and he appreciated the discussion by the commissioners and others on Teams.

Assembly Member Bill Gamble- comments on PC Resolution No. 25-01 and the goal to reduce regulation and spur economic development.

Commissioner Christopher Gerteisen- inquires as to when the Port Commission will see Terra Energy again, would like to continue the discussion.

Commissioner Fred Elvsass- comments on the need to be optimistic, and the goal of promoting business.

8. CORRESPONDENCE AND INFORMATION-None

9. ADJOURNMENT

Commissioner Christopher Gerteisen - Motions to adjourn.
No objections - The meeting adjourned at 5:46 p.m.

Corinne Lindfors,
Assistant Port Operations Manager

Dane Crowley, Chairperson

Minutes Approved _____

DRAFT



TERMINAL TARIFF / SCHEDULE NO. 3

MATANUSKA-SUSITNA BOROUGH PORT MACKENZIE MARINE TERMINAL

In Accordance with the Rules for Marine Terminal Operators in
conformance with the Federal Maritime Commission

NAMING RATES, RULES, AND REGULATIONS FOR MARINE TERMINAL SERVICES APPLYING AT THE PORT MACKENZIE MARINE TERMINAL

**Note: All previous Tariffs, Rules, Regulations and Rates
written, printed or oral,
Heretofore adopted, are hereby rescinded.**
(Cancels Port MacKenzie Terminal Tariff No. 2)

Located At
Latitude 61.27 N, Longitude 149.92 W



EFFECTIVE April 18, 2022

REVISIONS

Document	Date	Section/Page	Revised By	Change
Original Document	April 18, 2022	All	OR 22-042	Repealed all previous
Revision 1:				
Revision 2:				
Revision 3:				
Revision 4:				
Revision 5:				
Revision 6:				
Revision 7:				
Revision 8:				
Revision 9:				
Revision 10:				
Revision 11:				
Revision 12:				
Revision 13:				
Revision 14:				
Revision 15:				

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Section I. GENERAL INFORMATION

A. INTRODUCTION

1. **SCOPE** - The rules, regulations, conditions, rates and/or charges set forth in this Tariff shall include all facilities owned or managed by the Matanuska-Susitna Borough (hereafter, "Mat-Su Borough" or "MSB") in the Port MacKenzie Port District (MSB 18.02.020), including the Port MacKenzie Marine Terminal.
2. **APPLICABILITY** - The rules, regulations, conditions, rates and/or charges set forth in this Tariff shall apply to all vessels, agents, owners, masters, operators, truckers, rail operators, contractors, suppliers, all other users and including natural persons, artificial persons, corporations, partnerships, organizations, associations, sovereigns, governments, nations, states, municipalities, their agents and instruments.
3. **IMPLIED CONTRACT** - Entry upon or docking at the Terminal by any person or vessel shall be regarded as constituting an agreement by such person or vessel to comply with the Port and Terminal's Tariff and Rules and Regulations.
4. **RESPONSIBILITY** - Any person or persons acting on behalf of entities using the terminal, or agents thereof, shall be jointly and severally responsible for all payment of charges as set forth in this Tariff.
5. **RISK** - Persons entering the Terminal shall do so at their own risk.
6. **COMPLAINTS** - Shipper's requests and complaints shall be promptly and fairly considered by the MSB provided that they are submitted in writing to the Port Operations Manager at the address indicated in the Tariff.
7. **CHANGES** - The MSB and its Port Operations Manager (as authorized) reserves the right to alter, change, amend, or modify any of the provisions contained herein, upon reasonable notice to vessels and tenants using the Port and its facilities. The date and reference to such changes shall be noted on the Revision page of this document.
8. **NON-RETROACTIVE** - When the action of the MSB is in response to a user's request or complaint and requires Tariff change, no such change will be retroactive.
9. **RULE OF LAW** - The laws of the United States of America and the State of Alaska shall apply to the provisions of this Tariff.
10. **CONTACTS** - PORT MACKENZIE
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, AK, 99645
Therese Dolan, Port Operations Manager
Office: (907) 861-7799 Cell: (907) 707-4174
Email: Therese.Dolan@matsugov.us

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11. HOURS OF OPERATION – Port MacKenzie operates 24 hours a day, 7 days a week, 365 days a year. The Administrative Offices are open from 8 AM – 5 PM local time Monday through Friday, excluding holidays.

12. HOLIDAYS - For the purposes of this Tariff, the holidays listed below are observed by the MSB, or any day celebrated in lieu thereof.

New Year's Day	January 1*
Presidents Day	Third Monday in February
Seward's Day	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4*
Labor Day	First Monday in September
Veterans Day	November 11*
Thanksgiving Day	Fourth Thursday in November
The Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25*

*When a holiday falls on a Saturday, the preceding Friday shall be considered a holiday.
When a holiday falls on a Sunday, the following Monday will be considered a holiday.

B. RIGHTS AND COMPLIANCE

1. RIGHT TO ESTABLISH SUPPLEMENTAL CONTRACTS - The MSB and its Port Operations Manager reserve the right to execute supplemental or separate contracts outside of this Tariff, subject to Federal Maritime Commission Rules, Regulations, and Administrative procedures. Such contracts shall be consistent with the provisions of this Tariff, however, where provisions of a separate contract differ, the terms and conditions of the contract shall supersede this Tariff.

2. RIGHT TO ESTABLISH SUPPLEMENTAL RULES AND REGULATION - The MSB, through the Port Operations Manager or designee, reserves the right to establish separate Rules and Regulations in addition to the provisions of this Tariff which shall apply to all Port users and with the same authority and in the same manner as the Tariff.

3. RIGHT OF FINAL DECISION - In the event of a dispute regarding any of the terms and conditions as stated in this Tariff, supplemental Rules and Regulations, or supplemental contracts, the decision of the Port Operations Manager shall be final.

4. ADDITIONAL COMPLIANCE - Users of the MSB's port facilities in Port MacKenzie are subject to federal, state, and municipal regulations as applicable, as well as supplemental Terminal Rules and Regulations as established by the MSB or its Port Operations Manager.

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5. SECURITY - Users are advised that the maritime facilities of the MSB are subject to the federal security regulations under 33 CFR Part 105.
6. SAFETY - Users shall comply with the requirements as set forth in the Occupational Safety and Health Act as stipulated in Public Law, 91-596.
7. LICENSE REQUIREMENT - No party or contractor may conduct business on the facilities associated with the marine terminals without a license or permit issued by the Port Operations Manager. The MSB reserves the right to issue non-exclusive Terminal Operating Permits to qualified firms handling specific cargoes.

Section II. ABBREVIATIONS, DEFINITIONS AND SYMBOLS

A. ABBREVIATIONS

@	At	Lbs.	Pounds
%	Per Cent	LT	Long Ton-2,240 pounds
AK	State of Alaska	M	Thousand
AM	Before noon, local time	MBF	Thousand Board Feet
BBL	Barrel	Meas.	Measurement
BDL	Bundle	MT	Metric Ton-2,205 pounds
BDU	Bone Dry Unit	NA	Not Applicable
BF	Board Feet	N.C.	No Charge
CFS	Cargo Freight Station	NOS	Not Otherwise Specified
COR	Certificate of Registry	O.T.	Overtime
Cu.Ft.	Cubic Feet	Pkg.	Package
CWT	Hundredweight-100lbs.	PM	After noon, local time
CY	Container Yard	S.F.	Square Feet
EA	Each	Sq.	Square
FMC	Federal Maritime Commission	ST	Short Ton-2,000 pounds
FSO	Facility Security Officer	S.T.	Straight Time
FSP	Facility Security Plan	SU	Set Up
Ft	Feet	Ro-Ro	Roll On-Roll Off
K	One Thousand	T	Ton
KD	Knocked Down	USD	U.S. Dollars
KG	Kilograms	Viz.	Specifically or Namely
KHW	Kilowatt Hour	Wt.	Weight

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B. DEFINITIONS

Unless provided otherwise in this Tariff, applicable definitions set forth in 46 CFR part 525.1(c) shall control.

1. BARREL - equivalent to 42 US gallons of fresh water.
2. BERTH - Shall mean the area of water alongside a pier where a vessel is docked.
3. CARGO - Merchandise to be loaded on or discharged from a vessel, truck, container or railcar.
4. CARGO OWNER – The party or corporation, including shippers, agents, or their designees, that is/are responsible for the management of cargo handled at the Terminal.
5. CURRENCY - For the purposes of rates and charges as outlined in this Tariff, all rates shall mean US Dollars.
6. DEMURRAGE - This is the charge assessed against cargo which remains on the pier after expiration of the free time allowed.
7. DUNNAGE - pieces of wood, matting, synthetic material or similar material used to secure cargo aboard a vessel or used for handling and storing cargo ashore.
8. DOCK - Shall mean all docks, floats, slips, wharves, ramps, piers, bulkheads, dolphins, and sea walls owned or operated by the MSB.
9. DOCKAGE - Charges assessed against the vessel for the service of providing space alongside of a wharf, pier, within a slip or adjacent seawall structure for the docking or berthing of watercraft, or the mooring thereof, or other watercraft so berthed.
10. FACILITY SECURITY OFFICER (FSO) - The designated individual, or their designee, responsible for the requirements of the Facility Security Plan under 33 CFR Part 105.
11. FACILITY SECURITY PLAN (FSP) - The plan for terminal security under the requirements of 33 CFR Part 105.
12. FREE TIME - This is the time period during which cargo may occupy space assigned to it on the Terminal without being subject to demurrage or storage charges, including cargo allowed to remain on the Terminal or property free of charge immediately prior to the loading of the vessel, or immediately subsequent to its discharge from a vessel until such time the cargo is removed from the terminal or associated facilities.

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13. FREIGHT – Shall mean cargo (see “cargo”), or other materials delivered to a vessel as supplies for that vessel.
14. HANDLING - Shall mean the physical movement of cargo or persons as managed by personnel with or without mechanical means.
15. HANDLING CHARGE - Handling Charge is the charge assessed in performing loading or discharge of cargo between vessel's cargo handling equipment, or Terminal's cargo handling equipment, and place of rest on dock, truck, vessel, or other conveyance.
16. HAZARDOUS CARGO - Shall mean any liquid or solid material as defined under 49 CFR Parts 171-179, or as designated by the US EPA and/or the Department of Environmental Protection as hazardous waste, including waste oils, solvents and other substances requiring special protections, handling and disposal.
17. HOT WORK - Hot work means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.
18. LICENSE - Shall mean a document issued by the Port Operations Manager granting permission to the licensee to conduct business on the property managed by the MSB.
19. LAYBERTHING - A vessel moored at the pier in an inactive status and not engaged in operations, cargo handling or active use. Special provisions may apply.
20. LIVESTOCK - Shall mean any live animal, such as cows, horses, sheep, goats, pigs, canines, caged birds, and other creatures handled as cargo, excluding seafood.
21. LONGSHOREMAN - Shall mean any person engaged in the handling of cargo.
22. MANIFEST - Shall mean any formal list of cargo loaded onto or discharged from, or persons arriving on or embarking on, a vessel, including crew.
23. MSB – Shall mean the Matanuska-Susitna Borough or its duly authorized representative, including, but not limited to, the Port Operations Manager
24. OVERALL - Shall mean the greatest distance between two points either above or below the water.
25. OVERSIDE CARGO HANDLING - shall mean shipments handled over the rail or deck edge of a vessel (overside) of a vessel or vessels alongside dock where freight or cargo is transferred directly between vessels berthed at wharf, but not using facilities of wharf in its transfer, or freight received by vessel or discharged into the water, to barges, boats, or other vessels, while vessel is berthed at wharf.

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26. PACKAGE - A container other than a standard steel intermodal shipping container such as a barrel (other than barrel of liquid) for dry material, fish product container, palletized and wrapped material, or other type container used for the handling of dry commodities.
27. PALLETIZED FREIGHT - Freight attached to a pallet which may be wrapped or attached by other means for individual handling.
28. PER DIEM - Shall mean a period of one day equivalent to 24 hours.
29. PERSON - Vessels, agents, owners, masters, and operators, including but not limited to, natural persons, artificial persons, corporations, partnerships, organizations, and associations, and to sovereigns, governments, nations, states, municipalities and agents and/or their instruments thereof.
30. PIER - The fixed structure along the water's edge to which is a vessel may be tied up and moored.
31. PERISHABLE CARGO - Shall mean such agricultural or seafood products required to be stored and transported in temperature-controlled environments.
32. PORT – Port shall mean all lands designated in the Point MacKenzie Port District (MSB 18.02.020) including the dock, submerged lands, tidelands, and upland sections.
33. PORT OPERATIONS MANAGER - Under this Tariff shall mean the senior manager, or his/her designee, who shall be the local representative responsible for the management of the designated marine terminal facility and port properties.
34. PROCESSED – Shall mean that cargo has been significantly altered to increase its monetary value or physically changed in such a way that its primary use has been changed.
35. REEFER - Shall mean refrigerated cargo or the temperature-controlled unit it is contained within.
36. RO-RO RAMP -The floating or fixed ramps at the facilities used for the transferring of vehicles to and from vessels.
37. SEAFOOD – Shall mean any species of fish, shellfish, or other aquatic animal harvested from any body of water.
38. SLIP - A berth for smaller vessels.
39. STEVEDORE - Shall mean any management company or entity engaged in the

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management of the handling of cargo and/or passengers, on behalf of the vessel operator, at marine facilities.

40. **STRIKE STORAGE** - Charge assessed against cargo remaining on the pier at the commencement of a strike or other labor action, which prevents receipt or delivery of cargo. The time period for this charge begins upon expiration of free time and ends upon removal or clearance of the cargo from the Pier.
41. **TENANT** - Any party that leases property for exclusive or non-exclusive use at a marine facility.
42. **TERMINAL** - Terminal shall include all land, docks, piers, slips, wharves, ramps, bulkheads, dolphins, sea walls, buildings, warehouses, structures, ramps, roadways, cargo-handling equipment, and other infrastructure associated with the marine facilities under the management and control of the MSB within the Port District.
43. **TERMINAL OPERATOR** – Shall mean the MSB or an entity holding an authorized Terminal Operator Permit to handle cargo operations at the Terminal, and approved to do so by the Port Operations Manager.
44. **TERMINAL OPERATOR PERMIT** – A permit issued by the Port Operations Manager to a qualified entity for operating at the Marine Terminal in the Port.
45. **TERMINAL STORAGE** - The service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after the expiration of free time and demurrage, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage.
46. **TON** - Measure of weight as follows:
- a. Short Ton as expressed in this Tariff shall mean 2,000 pounds US.
 - b. Long Ton as expressed in this Tariff shall mean 2,240 pounds US.
 - c. Metric Ton as expressed in this Tariff shall mean 2,205 pounds US.
47. **USER** – Any party undertaking operations on Port property, including transportation providers, terminal operators, stevedores, longshoremen, cargo owners, or other entities responsible for operations on Port property.
48. **VEHICLE** - Shall mean any car, truck, or other mobile unit, either self-propelled or not self-propelled by nature of design or inoperative, including cars, trucks, wheeled equipment, cranes, construction and heavy equipment and mobile weapons.
49. **VESSEL** - Vessel shall mean any floating craft, self-propelled or non-self-propelled, including commercial vessels, ships, and boats; fishing boats; recreational boats; barges; skiffs; or similar craft; as well as public vessels and craft.
50. **VESSEL OPERATOR** – Shall mean the operator, owner or designee of Vessel.

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51. WHARF - Shall mean the cargo handling area located on the terminal.
52. WHARFAGE - Wharfage is the charge assessed against freight passing or conveyed over, onto or under wharves or between vessels or overside vessels when berthed at wharf or moored in slip adjacent to wharf; it is the charge for use of wharf and does not include charge for any other service.
53. WHARF DEMURRAGE - See demurrage.
54. WHARF STORAGE - Charge assessed against cargo remaining on a pier or wharf after the expiration of free time, or for providing warehousing or other uses of terminal facilities for the storage of inbound, outbound, import or export cargo, with the permission of the Port Operations Manager.

Section III. GENERAL RULES AND REGULATIONS

A. GENERAL

1. PUBLIC THOROUGHFARES - The Port and its associated properties are not public thoroughfares.
2. ACCESS TO PORT FACILITIES - The Port Operations Manager shall at all times have the right to refuse access to any Dock or Terminal facility by any person or vessel or to remove, or cause to remove, any vessel, person, or cargo at any time from any Dock or Terminal facility. This right shall be reserved at all times to the Port Operations Manager without responsibility for demurrage, loss or damage when:
- a. Previous arrangements for use, space, receiving, or unloading have not been made with the Port Operations Manager;
 - b. The Vessel is unsafe or hazardous and may pose a risk to life or property;
 - c. The value of the Vessel, in the opinion of the Port Operations Manager, is less than the probable service charges and other charges related to its use of the dock or Terminal facilities;
 - d. During periods of congestion, or in cases of emergency, when, in the judgment of the Port Operations Manager, the circumstances then prevailing or likely to occur will prevent the Dock or Terminal facilities, or any portion of them, from providing customary services to the public; or
 - e. Persons have violated federal, state, municipal, or port regulations.
3. DAMAGE TO FACILITIES – Vessel Operators and all other users are held liable for any damage to facilities resulting from their use. Vessel Operators will be held

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responsible for damage done to the dock when landing, laying alongside or when leaving the dock. The Port Operations Manager reserves the right to repair, contract or cause to be repaired, any and all damages to docks, wharves, buildings, utilities and equipment caused by Vessels, their owners and/or agents, Stevedores or other parties and hold them responsible for payment.

B. HANDLING OF MATERIALS INCLUDING FREIGHT AND CARGO

1. RIGHT TO REFUSE CARGO - The Port Operations Manager shall at all times have the right to refuse to accept, receive or unload, or permit a vessel to discharge:

- a. Cargo for which previous arrangements for space, receiving, unloading or handling has not been made with the Port Operations Manager by the cargo owner;
- b. Cargo not suitably packed for safe transportation;
- c. Cargo with a cargo owner that is responsible for outstanding charges that have not been paid;
- d. Cargo deemed by the Port Operations Manager, in the reasonable exercise of his/her discretion, to be offensive, perishable, obnoxious, or hazardous.
- e. Hazardous cargo must have been prepared for shipment in accordance with the applicable Department of Transportation regulations (including, but not limited to, 49 CFR Parts 171-179);
- f. Cargo, the value of which may, in the opinion of the Port Operations Manager, be less than the probable service charges and other charges related to it;
- g. Cargo, during a period of congestion, or in cases of emergency, when, in the judgment of the Port Operations Manager, the circumstances then prevailing or likely to occur will prevent the Docks or Terminal facilities, or any portion of them, from providing customary service to the public;
- h. Cargo not properly labeled;
- i. Cargo beyond the acceptable, stated weight;
- j. Cargo not properly packaged or contained;
- k. Hazardous cargo that is mislabeled and/or was not previously granted permission to be accommodated; and/or
- l. Cargo of a nature that may create a safety concern for the Port or when the Terminal is not properly equipped to handle such cargo.

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2. **OFFENSIVE FREIGHT** - Hazardous or offensive freight, which, by its nature, is likely to damage freight or the Terminal is subject to immediate removal either from the wharf or wharf premises or to other locations within said premises with all expense and risk of loss or damage, for the account of the cargo owner.

3. **RIGHT TO REMOVE, TRANSFER, OR WAREHOUSE CARGO** - The Port Operations Manager may move or remove Cargo from the Terminal to safeguard life and property, for the convenience of the Port Operations Manager, or if freight remaining on wharf or wharf premises remains after expiration of free time. Freight shut out at time of clearance of vessel may be piled or re-piled to make space, transferred to other locations or receptacles within the wharf premises, or removed to public or private warehouses with all expense and risk of loss or damage for account of the owner, shipper, consignee, vessel operator, or carrier as responsibility may appear.

4. **ACCESS TO CARGO RECORDS** - The vessel operator will be required to allow the Port Operations Manager to have access to the manifest of cargo, loading list, or other transportation documents at the earliest time that such documents are available and no later than 48 hours prior to the time that cargo and/or passengers are to be loaded to or discharged from a vessel. Such documents must be provided for the purpose of supervising the proper use of the Terminal and obtaining the data necessary to permit the correct determination of charges. Any such information shall not be disclosed to any person other than a member of the Port Commission or MSB staff carrying out official duties, unless a formal request is received under the Freedom of Information Act and a legal determination is made which requires the release of this information.

5. **STORAGE LOCATION** - The MSB reserves the right at its option to require the cargo owner to store in a public warehouse, or to move to another location on the Terminal at the entire risk and expense of the cargo owner, all cargo which is not removed at the expiration of the prescribed free time. The MSB shall have a lien on such cargo for all charges due.

6. **ABANDONED CARGO** - If cargo (such as damaged or unsaleable cargo) is abandoned and left upon the Terminal, the cargo owner will be responsible for removal of such cargo at its own expense and for reimbursement to the MSB if any wharfage, demurrage, or other charges have accumulated. The Port Operations Manager may, at his/her discretion, require a delay in sailing of the vessel until such cargo has been removed, and all accrued charges have been paid in full. Cargo abandoned on the Terminal may be disposed of in a manner determined by the Port Operations Manager including disposal or sale of the cargo as appropriate.

7. **HAZARDOUS CARGO** - Notice shall be given to the Port Operations Manager of any vessel, truck, rail, vehicle, or any other conveyance carrying cargo which is hazardous, extremely flammable, corrosive, explosive, or otherwise possesses a significant risk of harm to property or persons at least seventy-two (72) hours prior to landing or use of

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docks. All hazardous cargo must be properly labeled in accordance with Federal HAZMAT and International HAZCOM requirements. Failure to have proper labeling will result in cargo being refused entry into the Terminal.

8. EXPLOSIVES AND DANGEROUS OR OBNOXIOUS CARGOES - No gunpowder, explosives or other dangerous or obnoxious cargoes listed in USDOT Hazard

Classification System Classes 1 through 9 inclusive shall be discharged or loaded upon the Terminal except by written permission of the Port Operations Manager. Firearms, civilian or military, and military equipment shall be considered as dangerous cargo under this item.

9. EXPLOSIVES OR VOLATILE CARGO PERMIT – the following shall apply:

- a. The acceptance, handling, or storage of explosives, highly flammable, corrosive, highly volatile material shall be subject to special arrangements with and permission of the Port Operations Manager and governed by rules and regulations of Federal, State, local authorities, and the Rules and Regulations of Port MacKenzie.
- b. Written applications for the transfer or movement of explosives and dangerous or obnoxious cargoes through the Terminal shall be made to the Port Operations Manager. Such application shall, at a minimum, include the following information:
 - 1) Names, addresses, telephone numbers and other pertinent information regarding persons and agencies to contact in the event of emergency.
 - 2) Description of the cargo, including DOT Hazard Classification System Class 1 through 9 designation.
 - 3) Amount of cargo, including the number and weight of packages or containers.
 - 4) Copies of relevant Safety Data Sheets (SDS) that clearly state the nature of the cargo or other materials brought on site and specific emergency response actions to be taken in the event of spillage, fire or other emergency.
 - 5) Copies of all relevant DOT shipping documents specifying the shipping name of the cargo, hazard class or division thereof, packing group, and emergency response requirements.
 - 6) Copies of relevant documentation for cargoes comprised of firearms, firearms components and/or military equipment, including required End-User Certificates, along with relevant shipping and clearance documents.

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- c. All explosives or other dangerous or obnoxious cargoes, if permitted to be loaded or unloaded at the Terminal, shall be clearly labeled in accordance with all applicable Federal, State, and Municipal laws and regulations governing the transportation, storage, and handling of hazardous cargoes.
- d. The handling, loading, unloading and storage of explosives and/or other dangerous articles or substances shall be subject to all applicable laws, rules and regulations promulgated by the United States of America, the State of Alaska, the Matanuska-Susitna Borough, and other proper and competent authorities.
- e. If handling is permitted, cargo of class 1 (explosive) or class 7 (radioactive) designation, or acids, corrosive liquids, or poisons, for loading to or discharging from a vessel, shall not be allowed on the Terminal until it can be loaded aboard a vessel or be allowed to remain on the Terminal beyond what is necessary to transfer the cargo from the vessel or to the vessel. The Port Operations Manager shall be notified as far in advance as possible of the date and time of receiving such cargo, in order that a suitable location may be designated for a temporary place of rest for such cargo pending loading and removal from the Terminal. Such notification shall include any special provisions for cargo handling and security, the cost of which shall be the responsibility of the vessel or owner. Inbound, such cargo shall be removed from the Terminal forthwith on the day it is discharged.
- f. The Port Operations Manager may require the vessel operator and/or cargo owner to employ special watchmen at their expense, to watch over any dangerous cargo on the Terminal when in the judgment of the Port Operations Manager such action is necessary to protect the public safety, property and cargoes against fire or other hazards until the cargo has been removed from the Terminal.
- g. In the event of spillage, breakage, release, fire or other emergency event, the Vessel Operator and/or Cargo Owner of the dangerous cargo shall have sole responsibility for the costs of emergency response, including the costs of any clean-up and repair actions required to make the Terminal safe for general use.

10. OWNERS RISK - Glass, liquids, and fragile articles will be accepted only at Cargo Owner's risk for breakage, leakage, or chafing, the Port Operations Manager being liable for loss or damage only in case of lack of ordinary care. Freight subject to freezing will be accepted only at Cargo Owner's risk. Freight in open storage on wharf platforms or ground is at Cargo Owner's risk for loss or damage. Timber and logs or lumber rafts, and all water craft, if and when permitted by the Port Operations Manager to be moored in slips at moorage dolphins, at wharf, or alongside vessels, are at Cargo Owner's and/or Vessel Operator's risk for loss or damage.

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11. LIVESTOCK - The acceptance and handling of livestock shall be subject to special arrangements with the Port Operations Manager, and governed by rules and regulations of Federal, State, and local authorities.

12. OVERWEIGHT CARGO - Users are held liable for all claims, losses, costs or expenses by reason of property damage, personal injury or death which may occur,

directly or indirectly as the result of overweight or improperly stowed cargo, without regard as to whether such omissions be intentional or accidental.

C. RIGHTS OF THE TERMINAL

1. RIGHT TO BOARD VESSEL AND INSPECT - The Port Operations Manager may enter upon and inspect any vessel at the Terminal in order to determine the kind and quantity of cargo aboard or to identify safety or security concerns. No person or persons shall hinder, molest, or refuse entrance upon such vessel for the aforementioned purposes.

2. MANIFESTS REQUIRED OF VESSELS – Vessel Operators are required to furnish the Port Operations Manager with complete copies of vessels' manifests showing names of consignees or consignor and the weights or measurements of all freight loaded or discharged at the docks or terminal facilities. Such manifests must be certified as correct by an authorized official of the company and must also designate the basis of weight or measurement on which ocean freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted.

D. ENVIRONMENTAL

1. COMPLIANCE - All users, cargo owners, vessel operators, and persons entering the Port shall comply with all environmental regulations of the Federal government, State of Alaska, and the Matanuska-Susitna Borough.

2. RUBBISH - No rubbish or materials of any kind shall be dumped overboard from vessels or onto wharves. Rubbish, refuse, or other materials placed temporarily on the Terminal must, upon demand, be removed from the Terminal by the person or persons placing it there. The Port Operations Manager reserves the right to remove or cause to be removed rubbish at the expense of the party responsible. Rubbish may only be removed from the Terminal by contractors licensed by the Port Operations Manager.

3. DISCHARGE OF LIQUIDS - Vessels may not discharge fluids overboard including black water, graywater, or other liquids while at the Terminal. This shall not include cooling water from engines or treated wastewater from systems compliant with the federal and state sewage treatment equipment regulations.

4. STACK EMISSIONS - Vessels may not produce visible or noxious stack emissions at any time while alongside the terminal.

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5. DUNNAGE –

- a. All dunnage entering the terminal utilized for import or export to or from international locations shall be certified infestation-free and marked accordingly with an ISPM 15 Mark or equivalent.
- b. If Dunnage material, packaging material, wires, bands, or refuse of any kind have accumulated on the Terminal during cargo storage, loading or unloading, the vessel operator will be held responsible for the prompt removal of such material immediately at the completion of loading, unloading, or handling operations, and such removal is to be at vessel operator's expense. If such requirement is not promptly complied with, the Port Operations Manager will immediately remove, or cause to be removed, such material, and the expense incurred will be charged to the vessel operator.

6. HAZARDOUS MATERIAL STORAGE AND WASTE –

- a. No dangerous or hazardous waste materials may be stored on the Terminal by any persons without permission of the Port Operations Manager.
- b. All such materials, liquid or solid, must be promptly removed from the premises at the completion of loading, unloading, or maintenance operations at the expense of the persons responsible for such materials.
- c. All persons at the Port shall comply with all relevant provisions of Federal, State, Municipal, and MSB laws and regulations in the disposition of hazardous waste materials.
- d. Said disposition shall be in such a manner that the MSB shall have no liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA 1980) for the removal or disposal of such materials.

E. VESSELS MOORING

1. BERTHED - Vessels berthing at the Terminal must:

- a. Be properly manned at all times, however, should a barge without adequate protective quarters be berthed at the terminal, such manning may be located on a towing vessel immediately adjacent to the barge;
- b. Have on board sufficient personnel to move the vessel in case of emergency.
- c. Have on board, at all times (24/7), manning sufficient to adjust mooring lines in order to adapt to changing tidal conditions, due to the tidal extremes in excess of 40 feet in Cook Inlet; and

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- d. Meet international and Federal Security regulations and other rules including properly-licensed and documented personnel.

2. APPROACH AND DEPARTURE FROM BERTHS - Vessels approaching or departing berths when passing in and out of Federal and State channels, over submerged lands outside of the immediate terminal berths, do so at their own risk and shall not hold the Port, MSB, or the Terminal responsible for any vessel damage or casualty during such transit.

3. APPLICATION FOR BERTHING - All vessels desiring a berth at the Terminal shall, as far in advance of the date of docking as possible, and no less than seven (7) days in advance of the scheduled time of arrival, make application for berthing to the Port

Operations Manager. Applications for berthing are provided by the Port Operations Manager on request.

4. ASSIGNED BERTH - All vessels receiving berth assignments from the Port Operations Manager, shall dock at their respective assigned location at the Pier, at the time and for the period stated in their application, and shall be solely responsible for making prior arrangements for docking assistance and stevedoring services, and for notifying the Port Operations Manager of such arrangements. Vessels berthing at the terminal must provide confirmation of berthing to the Port Operations Manager at least 12 hours in advance of arrival.

5. NON-INTERFERENCE - All vessels are responsible for insuring that personnel providing docking assistance or loading, unloading, or handling services do not interfere in any way with the rights of other terminal users or tenants to free access or use of their pertinent leased or designated areas of the terminal, and that such personnel exit the terminal upon completion of the relevant services.

6. OPERATIONAL SPACE - No personnel providing docking assistance or loading, unloading, or handling services shall be allowed to enter into or infringe upon any space upon the Pier other than that required for docking and cargo/passenger loading and unloading, and designated by the Port Operations Manager for such purposes. All vessel docking, loading and unloading, embarkation and disembarkation, and departure operations shall be conducted by the vessel in a manner that will not interfere with the operation of other users, including the movement of trucks, personnel, equipment, to or from any other part of the Terminal.

7. SCHEDULING OF VESSELS - The Port Operations Manager reserves the right to establish vessel berthing schedules and the use of all terminal facilities for the convenience of the Port. Application for berthing must be made at least seven (7) days in advance of vessel arrival. If there are any vessel traffic or berthing conflicts, the Port Operations Manager shall have final authority over berthing assignments.

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8. RIGHT OF TERMINAL TO MOVE VESSELS – The following shall apply:

- a. Whenever necessary for the proper and safe operation of the Terminal and/or its facilities, the Port Operations Manager may order a vessel to depart the Terminal or to move to such other place as he/she directs at the expense of the Vessel Operator.
- b. The Port Operations Manager reserves the right to have a vessel moved or removed at the expense of the vessel operator when the order to comply is not acted upon.
- c. If any damage occurs to the pier or other property as a result of such a move, or should any equipment and/or labor be rendered idle by such a move, all expenses shall be charged to the vessel operator.
- d. The Port Operations Manager may order a vessel to move, to such a place as directed, at the vessel operator's expense when, in the opinion of the Port Operations Manager:
 - 1) It is necessary for the proper operation of the facility;
 - 2) There is an emergency;
 - 3) Terminal congestion may be ameliorated by such a move;
 - 4) A vessel is offensive or hazardous; or
 - 5) A vessel contains hazardous cargo or cargo that is labile to damage other vessels, cargo, or port facilities.

F. LIABILITY AND INSURANCE

1. LIABILITY - The MSB, its officers, agents or employees shall not be held responsible for loss or damage by whomever causes loss or damage to vessels, persons, or cargo or to any other property in or upon, or moving or being moved over, in, through, or under any pier, wharf or other structure or property owned, controlled, or operated by the terminal, resulting from any cause whatsoever, including but not limited to, loss or damage which in any manner is caused by or results from the following: theft; pilferage; animals, including rats, mice and other rodents; birds; insects; shrinkage, wastage, seepage, or leaking containers; heating; evaporation; fire or the extinguishing thereof; dampness; rain; floods; freezing, frost, or other action of the elements or acts of God; collapse of walls, piers, or other structures; breakdown of plant, machinery, or equipment; damaged cargo containers or packaging; floats, logs or pilings required to breast vessels away from wharves; sabotage, insurrection, revolution, or war; riot; strikes or any combination of the foregoing, including clerical errors or omissions in the dispatch of cargo.

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2. RESPONSIBILITY FOR SAFETY, SECURITY – Vessel operators shall be solely responsible for the safety and security of cargo, personnel, crew and passengers loaded or unloaded, embarked or disembarked at the Terminal.

- a. Vessel operators shall make proper provision, in consultation with the Port Operations Manager, for safety and security.
- b. Tenants leasing warehouse storage space or other facilities at the Port shall be solely responsible for the safety and security of stored goods and personnel providing services within their respective leased space.
- c. Users agree to cooperate with the Port Operations Manager and enforce all applicable rules and regulations of the MSB as contained in this Tariff, or supplemental rules, regulations or agreements, with respect to its agents, employees, contractors, guests and invitees.

3. INSURANCE FOR SERVICES -The rates contained herein do not include insurance of any kind. The interested party should procure insurance, including, but not limited to, fire, theft, casualty and liability or any other such insurance as deemed appropriate by the Port Operations Manager. The MSB shall be under no obligation to provide insurance of any type for any vessel, cargo, or liability arising out of use of the Terminal.

4. INSURANCE - The Port Operations Manager reserves the right to request specific insurance, and may request certificates for users to confirm they have required levels to cover operations. The Port Operations Manager shall furnish the user the requirements for insurance and minimum levels required. The MSB can specify additional insurance for operations or users or may require to be named co-insured on policies. Requirements for users as applicable may include but are not limited to:

- a. Workers' Compensation, including Social Security, Unemployment, and Longshore and Harbor Workers endorsements, required under all applicable Federal and State statutes and municipal ordinances for all the user's employees performing its work, in amounts established by the state of federal law, and Employer's Liability Insurance in the amount of not less than \$1 Million (\$1,000,000.00);
- b. Comprehensive General Liability Insurance (including coverage for automobile liability, broad form contractual liability, and property in the insured's care, custody, and control) against all claims for bodily injury, death, or property damage occurring on, in, or about any vessels being loaded or discharged by a party, or the Port, and the adjoining areas, with limits as to bodily injury or death and property damage of not less than \$5 Million (\$5,000,000.00) for each occurrence;
- c. Stevedore and Terminal Operators Liability;
- d. Property Damage Insurance;
- e. Commercial Automobile Liability;

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- f. Excess Public Liability and Property Damage Liability;
- g. Protection, Indemnity and Hull Insurance with Wreck Removal rider;
- h. Marine Pollution Insurance;
- i. Cargo insurance;
- j. Warehousing Legal Liability; and
- k. Other such insurance coverage as deemed appropriate by the Port Operations Manager.

5. **FORCE MAJEURE** - In the case of occurrence of unusual circumstances, without any fault of the MSB, including without limitation, damage or destruction to premises, including vessels or cargo, by fire, flood, civil disturbance, earthquake, tidal wave, wind, explosion, public enemies, war, Acts of God, marine casualty, Government action, labor actions, or similar circumstance, the MSB shall not be held liable for any impacts on users, vessels, persons, or cargo.

G. MISCELLANEOUS RULES AND REGULATIONS

1. **VERIFIED GROSS MASS REQUIREMENTS** - The MSB provides scale and weighing services for container, truck, or cargo weight information. The MSB assumes no weight verification liability for such measurements. The MSB reserves the right under International rules to refuse to handle or accept export containers without a valid Verified Gross Mass Certificate (VGM).

2. **CAPABILITIES** - The Port Operations Manager reserves the right to refuse to permit the handling of cargo that exceeds the maximum allowable weights on the Terminal or any portion thereof, or is, in the determination of the Port Operations Manager, otherwise beyond or outside of the safe operating parameters of the Terminal.

3. **PIER LOADING PERMIT** - A pier loading permit shall be required for the handling of any cargo requiring crane equipment contracted from outside of the terminal. Such permit shall only be granted upon presentation of a detailed engineering survey provided by the party handling the crane and cargo and at the cost of the party requesting a permit.

4. **STEVEDORING SERVICES** - The services of handling, loading and unloading, and other services not specified herein, shall be provided only by stevedores as licensed by the Port Operations Manager for provision of those services. Handling, loading, and unloading rates are furnished upon request by the service provider.

5. **MOVEMENT OF CARGO AND PASSENGERS** - Temporary storage, loading and unloading of cargo at the Terminal shall be accomplished within the free time specified in this Tariff unless written arrangements for additional time are made with the Port Operations Manager. In addition:

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- a. Embarking and disembarking of passengers shall be accomplished within the time specified in prior written arrangements made with the Port Operations Manager. Vessel operators shall be responsible for the safety and security of passengers crossing the pier, with pedestrian routes to be clearly designated and marked at the expense of vessels.
- b. Vessel operators and/or cargo owners are solely responsible for making any necessary arrangements for required inspections of cargo by the U.S. Customs Service, and for bonded storage or passenger clearances when required. The Port Operations Manager shall be informed of arrangements made for U.S. Customs inspection and/or bonded storage and of any requirements for cargo, personnel and equipment movements at the Terminal for such purpose.
- c. The Port Operation Manager may bar passengers or visitors from the Terminal for the purposes of safety or security as deemed necessary by the Port Operations Manager.

6. AVAILABILITY OF CARGO FOR DELIVERY - The Vessel operator shall be responsible for making inward or outward bound cargo on the Terminal available for delivery to consignees or the vessel. The Vessel operator shall notify the Port Operations Manager of such arrangements for delivery of cargo to consignees, including the estimated number of trucks and the relative timing of cargo pickup/delivery by truck.

7. VEHICLE PARKING – No persons shall be allowed to park automobiles on the Terminal or pier without express permission from the Port Operations Manager. When such permission is granted, parking shall be entirely at the risk of the owner and/or operator, and the MSB shall not be held liable for any loss or damage resulting from such parking. The Port Operations Manager shall designate those areas on the Terminal or other Port property where parking is permitted, and may issue, or cause to be issued, parking permits for vehicles.

8. VEHICLE SAFETY - All persons operating a vehicle on Port property or the Terminal must wear seatbelts. Vehicle speed may not exceed 15 miles per hour on Port property or the Terminal. Vehicles may not be left idling when unattended.

9. SMOKING - There is NO Smoking allowed in any of the buildings in the Port. No smoking shall be allowed on the Terminal except in approved areas or locations specifically designated by the Port Operations Manager for that purpose. Persons violating this rule may be barred, at the discretion of the Port Operations Manager, from further use of the Port or any portion thereof, and in addition, shall be subject to prosecution under the applicable Federal, State, and Municipal laws.

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10. HOT WORK – A Terminal Operator may make a request to perform welding and/or hotwork at the Terminal, in which case the following conditions must be met:

- a. Written permission of the Port Operations Manager is granted;
- b. The Terminal Operator submits a plan to comply with all relevant safety regulations; and
- c. The Terminal Operator complies with all provisions set forth in the prevailing Terminal Rules and Regulations, to be provided by the Port Operations Manager.

11. EQUIPMENT - Cranes and other equipment to be used for vessel loading, unloading, or cargo handling on the Terminal, or for the movement of cargo stored within Terminal facilities, shall be operated by authorized personnel only, shall be properly load-rated for such use, and shall be operated in a manner to prevent damage to property or harm to personnel. Vessel Operators shall be responsible for making arrangements for the availability of such equipment as required for cargo loading and unloading and for notification of the Port Operations Manager of such arrangements.

12. REQUIRED STORAGE CLEARANCES - When storing cargo on the Terminal, the following clearances shall be maintained:

- a. At least two (2) feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, bulkheads, partitions, doors, windows, bollards, cleats, or other material piles and fire lanes.
- b. There shall be maintained at least four (4) feet of clearance and open operating space on all sides of fire hydrants, fire alarm boxes, standpipes, fire hoses, sprinkler valves, fire doors, deck hatches, or first aid appliances.
- c. When first-aid, fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three (3) feet in width running therefrom to the center aisle. This space shall be kept clear of rubbish, dunnage, and other obstruction.
- d. A main aisle of at least twenty (20) feet in width shall be maintained on the Terminal to allow fire trucks or other emergency vehicles to have access throughout the Terminal and onto the pier.
- e. Free and unobstructed operation of all automatic operating fire gates.
- f. Free unobstructed and direct access to all buildings and fire hydrants by the Fire Department.

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- g. Flammable or combustible cargo, freight, merchandise or other material, not including bulk cargo, shall not be tiered higher than twelve (12) feet.
- h. No cargo shall be placed or stacked on any portion of the facility not approved by the Port Operations Manager, nor will persons be allowed pedestrian access to any restricted areas of the Terminal unless properly isolated under the Terminal's Facility Security Plan (FSP).

13. **LIMITING WEIGHTS** - Cargo must be stored or stacked so as not to exceed limits as posted. In general, cargo shall be stacked or piled on the pier or terminal so as to produce a uniform loading.

14. **COMPLIANCE FOR STORAGE** - Storage undertaken in any part of the premises shall be done in such a manner as to prevent damage to the Terminal, and to comply with the regulations of the United States Coast Guard and all governing regulatory agencies.

15. **OPERATING AREA AS AUTHORIZED** – All users shall confine their operations to the area designated by the Port Operations Manager, or by the terms of relevant leases.

Users involved in work for a vessel or tenant may not enter or encroach upon areas designated by the Port Operations Manager for use by other users.

16. **DAMAGE TO TERMINAL PROPERTY** - In the event any damage is done to Terminal or pier property, the person or persons responsible for said damage, or in any way involved, shall give a full report to the Port Operations Manager giving date and hour said damage occurred, names and addresses or description of the witnesses or other persons, vessels, vehicles or instrumentality's involved, as well as any other pertinent facts and information which may be available. The person, persons or entity causing the damage will be held responsible for reimbursing the terminal for the cost of repairing said damage, including the cost of any emergency actions required to be taken by the Terminal, the U.S. Coast Guard, and/or other emergency services to limit the scope of such damage.

Section IV. RATES, CHARGES, TERMS AND CONDITIONS

A. PAYMENT OF CHARGES

1. **APPLICABILITY** - All Users of the Terminal shall be subject to the following fees, terms and conditions as published in this Tariff.

2. **PAYMENT DUE** - All payments are normally due and payable upon presentation of invoice which does not exclude credit or payment plans.

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3. CREDIT - Any User doing business under this Tariff may apply for credit. Failure to pay credit accounts within thirty (30) days shall result in cancellation of credit privileges and the re-establishment of cash terms.

4. DELINQUENCY - If payment is not received within the specified period, the responsible party will be placed on a delinquent list. Such party shall be denied further use of the Terminal until all outstanding charges have been paid.

5. FINANCE CHARGE - Invoices not paid within thirty (30) days are subject to a finance charge of 5% of outstanding balance per month, up to 10% annually.

6. PAYMENT APPLICATION - The Port Operations Manager may apply any payment received against the oldest outstanding invoices.

7. RESPONSIBILITY FOR PAYMENT - The Vessel operator, agent or assigns, agrees to guarantee and pay all Terminal charges which are assessed against the vessel or cargo in accordance with the terms and conditions specified in this Tariff. Agents or Representatives are held fully responsible for all charges on behalf of who they represent if they arrange for facilities, equipment or other chargeable services according to the terms outlined in this Tariff.

8. PREPAYMENT OF CHARGES - The Port Operations Manager may, at his/her discretion, require a pre-paid deposit of sufficient funds to cover all charges under any of the following conditions:

- a. If written guarantee for payment of charges is not provided;
- b. Where a party does not have approved credit;
- c. If the parties representing a vessel have habitually been on the delinquent payment list; or
- d. If the vessel operator or cargo owner is unknown to the Port Operations Manager and, in the discretion of the Port Operations Manager, prepayment is warranted.

9. COLLECTIONS - Accounts referred to an attorney or an agency for collection are subject to a surcharge and additional court and collection costs.

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10. WITHHOLDING OF CARGO - The Port Operations Manager reserves the right to withhold delivery of any cargo until all accrued terminal charges have been paid in full.

11. RIGHTS AGAINST VESSEL FOR NON-PAYMENT - The Port Operations Manager reserves the right to detain a vessel, establish a maritime lien upon the vessel, its cargo and freights or arrest a vessel for all unpaid charges due the terminal.

12. DENIAL OF USE - The Port Operations Manager reserves the right to deny anyone the use of any Terminal until all past due accounts are paid.

13. DISPOSITION OF CARGO - The MSB may refuse delivery or loading of cargo or passengers until all past charges have been paid.

14. ALTERNATIVE ARRANGEMENTS - The vessel operator or cargo owner may request alternative arrangements for use of the Terminal and any attendant charges or payment terms prior to the arrival of a vessel or handling of cargo to the satisfaction of the Port Operations Manager. The Port Operations Manager and the MSB are under no obligation to grant any requested alternative arrangements, and may do so at their sole discretion.

14. CURRENCY - All amounts are in United States Dollars (USD).

B. RATES, CHARGES AND FEES

1. RIGHT TO ADJUST RATES – The MSB, at its discretion, reserves the right to adjust rates on an annual or as-needed basis, providing sufficient notice is given to all tenants, vessel operators, cargo owners, and users.

2. DOCKAGE

- a. Applicability - Dockage will be assessed against the vessel, its owners, agents, or operators on the basis of the Length Overall (LOA) of the vessel for the period the vessel remains at the berth. The maximum length, published in Lloyd's Register of Shipping, or as listed on the vessel's Certificate of Registry (COR), or as measured by the Port Operations Manager shall be used in determining the length overall for the vessel. Dockage will be assessed against the vessel, its owners, agents or operators at the rates shown below as applied to a twenty-four-hour period or fraction thereof, including Saturdays, Sundays, and holidays.

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- b. Dockage rates go in to effect January 1st of each calendar year and are as follows:

LOA	2022	2023	2024	2025	2026
≤ 199'	\$2.25	\$2.31	\$2.38	\$2.45	\$2.52
200 - 249'	\$2.62	\$2.69	\$2.78	\$2.86	\$2.94
250 - 299'	\$3.00	\$3.09	\$3.18	\$3.28	\$3.38
300 - 349'	\$3.37	\$3.47	\$3.57	\$3.68	\$3.79
350 - 399'	\$3.74	\$3.85	\$3.97	\$4.09	\$4.21
400 - 449'	\$4.12	\$4.24	\$4.37	\$4.50	\$4.63
450 - 499'	\$4.49	\$4.63	\$4.76	\$4.91	\$5.05
500 - 549'	\$4.86	\$5.01	\$5.16	\$5.31	\$5.46
550 - 599'	\$5.24	\$5.40	\$5.56	\$5.73	\$5.90
600 - 649'	\$5.61	\$5.78	\$5.96	\$6.13	\$6.31
650 - 699'	\$5.98	\$6.16	\$6.35	\$6.54	\$6.73
700 - 749'	\$6.38	\$6.57	\$6.76	\$6.97	\$7.17
750 - 799'	\$6.75	\$6.95	\$7.16	\$7.37	\$7.59
800 - 849'	\$7.12	\$7.33	\$7.55	\$7.78	\$8.01
850 - 899'	\$7.50	\$7.72	\$7.96	\$8.19	\$8.43
≥ 900	\$7.87	\$8.11	\$8.35	\$8.60	\$8.85

3. WHARFAGE

- a. Applicability -The following charges will be assessed against all cargo and freight, and all other materials including fuels, slops, ballast, and discharged from or loaded to vessels, lighters, barges, freight cars or trucks.
- b. Definitions – All wharfage charges will be tabulated based on the definitions given in this Tariff, and subject to the discretion of the Port Operations Manager. The Port Operations Manager has final authority over how cargo is defined and the rates at which wharfage charges are assessed.
- c. Commodity Rates
 - 1) Cargo owners or vessel operators will be billed directly for all wharfage.
 - 2) Wharfage rates go in to effect January 1st of each calendar year and are as follows:

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Commodity	Unit	2022	2023	2024	2025	2026
Aggregates - rock, gravel, sand, salt and minerals	ST	\$1.24	\$1.27	\$1.31	\$1.35	\$1.39
Bulk Commodities - grains, peat and other ag. products	ST	\$3.08	\$3.17	\$3.27	\$3.37	\$3.47
Cement - See Commodity Notes d.3)	ST	\$3.08	\$3.17	\$3.27	\$3.37	\$3.47
Coal	ST	\$1.24	\$1.27	\$1.31	\$1.35	\$1.39
Explosives and Ammunition - See Notes d.2) and d.3)	ST	\$16.87	\$17.38	\$17.90	\$18.44	\$18.99
Iron or Steele - angles, bars, beams, channels, joists, piling, pipe, structural, tanks and trusses	ST	\$4.49	\$4.63	\$4.76	\$4.91	\$5.05
Livestock - horses, cattle, hogs, sheep, goats	ST	\$11.24	\$11.57	\$11.92	\$12.28	\$12.65
Petroleum or Petroleum Products (Inbound/Outbound) - See Commodity Notes d.4) - d.6)	BBL	\$0.19	\$0.19	\$0.20	\$0.20	\$0.21
Petroleum/Fuel - See Commodity Notes d.5) - d.7)	GAL	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01
Scrape Metal - See Commodity Notes d.8)	ST	\$4.38	\$4.51	\$4.64	\$4.78	\$4.93
Wood/Logs - See Commodity Notes d.9)	MBF	\$3.00	\$3.09	\$3.18	\$3.28	\$3.37
Wood/Lumber - See Commodity Notes d.9)	MBF	\$3.14	\$3.24	\$3.33	\$3.43	\$3.54
Wood/Chips & Pellets - See Commodity Notes d.9)	ST	\$3.08	\$3.17	\$3.27	\$3.37	\$3.47
Vans and Containers	ST	\$2.99	\$3.08	\$3.17	\$3.26	\$3.36
- Emptyies returning	EA	\$9.27	\$9.55	\$9.83	\$10.13	\$10.43
Vehicles, Heavy Equip, Buildings and other articles - See Commodity Notes d.10)	ST	\$11.24	\$11.57	\$11.92	\$12.28	\$12.65
Freight N.O.S.	ST	\$4.64	\$4.77	\$4.92	\$5.06	\$5.22

d. Commodity Notes -

- 1) Includes natural or Portland, driller's mud, fireclay, slaked lime, lime, hydrated or quick plaster, magnesite, gypsum, sand, stucco; separate or combined in bulk through hoses to or from mobile bulk carriers, in 5-ply paper bags or super sacks.
- 2) Includes powder, gun or blasting; blasting agents; blasting caps; dynamite; high explosives N.O.S., explosive ammunition other than small arms ammunition.
- 3) Written permission of the Port Operations Manager must be obtained prior to the handling of any hazardous cargoes at the Port as noted in this Tariff.
- 4) Liquids, petroleum, or petroleum products N.O.S., in bulk, transferred directly between vessel's tanks and storage tanks (load or discharge).

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- 5) All petroleum transferring operations are subject to rules governing hazardous materials.
- 6) Any heating required for the proper transfer of petroleum products, and any clearing of lines required as a result of such transfer, will be at the expense of the vessel operator. Should the MSB provide any such heating or clearing services, the vessel operator will be billed the MSB's cost plus 15 percent.
- 7) Liquids, petroleum, or petroleum products NOS, in bulk, transferred directly between motor freight tank vehicles or railroad tank cars and vessels' tanks, storage tanks, or at truck rack.
- 8) Port MacKenzie Marine Terminal accepts scrap metal only if it is either
 - a) Secured in clean cubes with no oil, grease, asbestos, or other contaminates; or
 - b) In sealed, metal skip boxes.
- 9) Where cargo is manifested by weight, 2,000 shall be considered MBF.
- 10) Includes automobiles, pickup trucks with or w/o camper bodies attached, chassis, freight trailers, semi-trailers, camper bodies, agricultural equip, earth moving or materials handling equip including cranes, graders, loaders, fork lifts, water trucks, dump trucks, or any heavy equipment, mobile/modular buildings.

e. Wharfage Rate Modifications –

- 1) Ship's gear – Strongbacks, lines, hatch covers, walking boards, and other such ship's gear placed on the wharf during loading/unloading operations shall be exempt from wharfage charges.
- 2) Overside – Wharfage will be assessed at 50% for any cargo transferred directly from a vessel at the Terminal to another vessel or the water.
- 3) Overstowed/Restow – No wharfage will be assessed on overstowed cargo destined for discharge at another location, providing such cargo is not removed from the wharf prior to re-loading to the vessel.

4. TERMINAL STORAGE/WHARF DEMURRAGE

- a. Applicability – Any cargo that remains at the Terminal following the expiration of free time is subject to demurrage charges.
- b. Free Time – Applies as follows:

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- 1) Free time is calculated exclusive of Saturdays, Sundays, or Holidays. Free time begins at 7 AM on the first business day after cargo has been received at the terminal.
2. Inbound cargo, cargo that has been discharged from a vessel, will receive five (5) days free time following the completion of discharge operations of the vessel on which the cargo arrives.
3. Outbound cargo, cargo that is to be loaded onto a vessel, will receive ten (10) days free time following the delivery of the cargo to a point of rest on the terminal.
4. Cargo that is to be transshipped between vessels shall receive free time as though it were outbound cargo as specified in this Tariff.

c. Lay-Down Areas –

1. No cargo is to be stored in the Port without the express permission of the Port Operations Manager.
2. The Port Operations Manager may, at the request of a cargo owner, assign designated lay-down area within the Port for cargo to be stored.
3. Cargo and freight in the Port not placed in a designated lay-down area must be immediately removed or relocated upon order of the Port Operations Manager.
4. A cargo owner who refuses to move such cargo or freight on demand will be assessed storage/demurrage at five times the applicable rate. In addition, the Port Operations Manager may, at his/her discretion, move, remove, or cause to be removed such cargo or freight at the expense of the cargo owner, excepting any damages caused by lack of ordinary care by the Port Operations Manager.

d. Wharf Demurrage Rates

1. Wharf demurrage shall apply to any cargo or freight stored on the dock, pier or wharf.
2. After the expiration of free time, wharf demurrage for all cargo and freight will be assessed at \$0.20 per square foot per month or \$0.007 per square foot per day and shall not exceed 30 days.

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e. Long Term Storage Rates

1. Long term storage shall apply to any cargo or freight stored on the Terminal beyond free time and demurrage and requires a Temporary Land Use Permit.
2. After the expiration of free time and demurrage, long term storage for all cargo and freight will be assessed at \$0.27 per square foot per month, or \$0.009 per square foot per day.

5. PASSENGERS – The charges below apply to all passengers embarking from dock to vessel or debarking from vessel to dock:

- a. \$1.00 per passenger
- b. Vessel crews are exempt from passenger charges
- c. Users employed at the Terminal traveling to/from work are exempt from passenger charges

6. TRUCK SCALES

a. General - Truck scales are available only at the Port during the posted hours and days.

b. Rates - The following rates will be charged for use of the truck scales, when available:

1. Trailer Units or Truck Units, over 20,000 lbs.

In and Out	\$7.00 each
Single Weight	\$4.50 each
2. Passenger cars, in or out \$4.50 each
3. Pickup trucks and vans, less than 20,000 lbs.

In or out	\$5.50 each
Single weight	\$4.50 each

7. RO/RO CARGO

- a. General - Ramps are not provided at facilities for cargo being loaded on or discharged from vessels handling Roll-On/Roll-Off (RO/RO) cargo, such as road trailers, containers with dollies, tractors automobiles, and/or other wheeled vehicles. Vessels must be equipped with their own loading and discharge ramps

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and the weight of the ramps and intended cargo to be handled shall not exceed the posted weight of the pier and apron.

b. Rates – RO/RO Cargo

1. Vehicles - \$1.50 per ST, with a minimum rate of \$15.00 per vehicle.
2. Per vessel - Minimum RO/RO fee per vessel: \$600.00

9. OVER-THE-ROAD (OTR) CARGO

- a. All inbound and outbound cargo passing through the Port, where neither movement to nor from the Port is by water, will be assessed an OTR charge of \$2.75 per short ton on the net weight of the cargo.

10. SECURITY –

- a. Security Staffing - The Port Operations Manager may arrange, at vessel operator or cargo owner's expense, security necessary for complying with the Facility Security Plan, unless exempted by separate agreement. The Port Operations Manager shall have sole discretion over the security staffing deemed appropriate.
- b. Straight Time - Security fees shall be applied on a straight time basis from 0800 - 1700 (8 AM to 5 PM) local time, Monday through Friday, excluding holidays.
- c. Overtime – Security fees shall be applied on an overtime basis for all hours where straight time does not apply. This includes hours from 1700 - 0800 (5 PM to 8 AM) Monday through Friday, all hours on Saturday and Sunday, and all hours on holidays.
- d. Rates – Security fees shall be assessed at the rates indicated below:

Per hour, per person, straight time:	\$40.00
Per hour, per person, overtime:	\$60.00

- e. Maritime Security – Security rates and staffing are subject to increase at the discretion of the Port Operations Manager in the event that the prevailing Maritime Security (MARSEC) level is increased.

11. SPECIAL CHARGES AND CHANGES IN CHARGES

- a. Charges - The MSB or the Port Operations Manager may make special charges as they may deem necessary, concerning the use of piers or open spaces in the vicinity of the Terminal, buildings on the Terminal or the use of the Terminal by

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commercial, State, or Federal vessels, or by contractors working on Federal or State contracts and for use of tracks, sheds, the pier or other structures.

- b. Additional Costs - In the event that Governmental agencies or operational requirements impose increased costs, the vessel operator or cargo owner agrees to pay those costs and any related surcharges.
- c. Charges for Specialized Services or Operations - The Port Operations Manager is authorized to develop and charge rates and fees for specialized services and those services not specified in the Tariff as requested by the party requesting those services and by mutual consent.
- d. Right to Refuse - Except where otherwise required by law, the Port Operations Manager has the authority to refuse to provide or to arrange for the provision of special services.
- e. Special Services – Any services rendered by the Port Operations Manager or the MSB not otherwise noted in this Tariff will be billed to the person requesting such services at the MSB's actual cost (including labor, equipment usage, mileage, and other costs). Any services arranged by the Port Operations Manager or MSB, but provided by a third party, will be charged to the person requesting such service at a flat fee of \$100.

END OF TARIFF

CHAPTER 18.03: PORT COMMISSION: ESTABLISHMENT OF POWERS, AUTHORITY AND DUTIES

Section

18.03.010 Establishment of powers

18.03.020 Delegation of authority [Repealed]

18.03.030 Duties

18.03.040 Compensation

18.03.010 ESTABLISHMENT OF POWERS.

The port commission is established pursuant to MSB [1.10.125](#) to provide advice to the assembly and manager on harbors, wharves, docks, elevators, storage yards and other related marine facilities.

(Ord. 90-42, § 5, 1990; Ord. 88-222 (part), 1988)

18.03.020 DELEGATION OF AUTHORITY. [Repealed by Ord. 90-042, § 6, 1990]

18.03.030 DUTIES.

(A) The port commission shall advise the assembly and the manager on port development matters.

(B) The port commission may:

- (1) submit an annual budget to the manager to be considered for inclusion in the manager's budget request to the assembly;
- (2) prepare a strategic port development plan which shall include a marketing, management, financial and facility development strategy for approval by the assembly. The port development plan shall identify port commission goals, objectives and an anticipated course of action to attain those goals. The plan shall be updated annually and be submitted with the annual budget;
- (3) submit a quarterly report to the assembly which includes a status report on progress towards goals identified in the strategic development plan;
- (4) recommend to the assembly for approval of leases of port district land for beneficial industrial or commercial enterprises pursuant to MSB Title [13](#);
- (5) encourage participation of private industry in port development and port-related projects;

(6) recommend to the assembly the establishment of tariffs, rental and ground lease rates consistent with the goal of providing equity among users and in accordance with MSB Title [23](#), except as provided in MSB [18.02.010](#);

(7) prepare a master plan for the port district which shall be reviewed and recommended by the planning commission to the assembly for approval;

(8) assist the borough, other jurisdictions and private industry to plan and promote the development of infrastructure necessary to transport commodities through a Point MacKenzie Port.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 7, 1990; Ord. 88-222 (part), 1988)

18.03.040 COMPENSATION.

Commission members shall be reimbursed for mileage incurred in connection with meetings of the board in the same manner as borough employees are compensated for mileage expenses upon presentation of supporting documentation satisfactory to the appropriate director.

(Ord. 00-085 § 2, 2000)

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CHAPTER 18.04: PORT COMMISSION ORGANIZATION AND MEETINGS

Section

18.04.010 Reimbursement

18.04.020 Appointments and qualifications

18.04.030 Terms of members [Repealed]

18.04.035 Membership

18.04.040 Officials

18.04.050 Documentation

18.04.060 Vacancies and removal

18.04.070 Quorum

18.04.080 Meetings; scheduling; notice

18.04.090 Meetings; agenda; notice of meeting; order of business

18.04.100 Office and staff

18.04.110 Formal acts by resolution

18.04.120 [Repealed]

18.04.130 Conflict of interest; ex parte contact

18.04.010 REIMBURSEMENT.

Port commission members shall be reimbursed actual expenses incurred on authorized port commission business.

(Ord. 94-119, § 2 (part), 1994; Ord. 91-037AM, § 3 (part), 1991; Ord. 88-222 (part), 1988)

18.04.020 APPOINTMENTS AND QUALIFICATIONS.

(A) Appointments of port commission members shall be made pursuant to MSB [4.05.030](#).

(B) Notwithstanding MSB [4.05.040](#), non-borough residents may be appointed to the port commission, but a majority of port commissioners will be Matanuska-Susitna Borough residents.

(C) A port commission member is not eligible to hold the position of port director.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 8, 1990; Ord. 88-222 (part), 1988)

18.04.030 Terms of members. [Repealed by Ord. 96-072, § 2, 1996 and recodified as MSB 18.04.035]

18.04.035 MEMBERSHIP.

(A) The port commission shall be composed of five voting members, with seats numerically designated, and one nonvoting assembly member seat.

(B) Irrespective of the limits specified in MSB [4.05.050](#), a board member may serve up to three consecutive three-year terms.

(C) A city official may be nominated and confirmed to one of the seats on the port commission.

(Ord. 25-043, § 2, 2025; Ord. 23-009, § 2, 2023; Ord. 21-023, § 2, 2021; Ord. 10-103, § 2, 2010; Ord. 98-025AM, § 2, 1998; Ord. 96-072, § 3, 1996)

18.04.040 OFFICIALS.

The port commission shall annually elect a chairperson, vice-chairperson and secretary. The vice-chairperson is to serve as chairperson in the chairperson's absence and the secretary shall prepare the journal of the port commission's proceedings.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

18.04.050 DOCUMENTATION.

The port commission shall adopt a seal upon which appear the words "Matanuska-Susitna Borough Port Commission," "Seal" and "State of Alaska." It shall be retained in the custody of the secretary.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

18.04.060 VACANCIES AND REMOVAL.

Vacancies occurring prior to expiration of a term and removal of port commission members shall be pursuant to MSB [4.05.030](#).

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

18.04.070 QUORUM.

A majority of the port commission membership constitutes a quorum. Any act of the port commission requires the majority of the entire body of the port commission.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

18.04.080 MEETINGS; SCHEDULING; NOTICE.

(A) The port commission shall hold a regular, quarterly meeting on the third Monday of January, April, July, and October beginning at 3 p.m. Special meetings may be called by the port commission chairperson or upon the request of at least three port commission members.

(B) Regular and special meetings of the port commission shall be advertised in a newspaper of general circulation.

(C) During the month of January each year, the commission shall adopt a schedule of regular meetings to be held by the commission through January of the following year. The adopted schedule shall be provided to each member of the commission and shall be published at least once in a newspaper of general circulation within the borough.

(Ord. 21-009, § 2, 2021; Ord. 03-132(AM), § 2, 2003; Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 10, 1990; Ord. 88-222 (part), 1988)

18.04.090 MEETINGS; AGENDA; NOTICE OF MEETING; ORDER OF BUSINESS.

(A) The agenda for special and regular meetings shall be prepared by the port director. Items not on the agenda shall not be added to the agenda or discussed at a meeting over the objection of any two port commission members.

(B) At least five days prior to a regular meeting, the secretary at the direction of the port director shall mail or deliver to each port commission member a packet including information on the time, place of the meeting, and the agenda. Minutes of the previous meeting and any background materials pertinent to the agenda shall be included in the packet.

(C) The chairperson shall provide written or oral notice of special meetings to each port commission member at least 24 hours prior to the meetings. Notice may be provided at either the residence or the usual work place of the commission member. Notice of the special meeting shall include a statement of the subject for which the meeting is called. Attendance at a meeting is acknowledgement of the receipt of notice.

(D) At every regular meeting, the order of business shall be as follows:

- (1) call to order;
- (2) roll call, determination of quorum and approval of agenda;
- (3) approval of minutes of previous meetings;
- (4) agency and staff reports;
- (5) committee reports;
- (6) persons to be heard;
- (7) public hearings (immediately after persons to be heard);
- (8) unfinished business;
- (9) old business;
- (10) new business;
- (11) correspondence and information;
- (12) administration and commission member comments;
- (13) adjournment.

(E) Meetings shall be conducted under the current edition of *Robert's Rules of Order Newly Revised* except as modified by this chapter.

(F) The order of business at special meetings shall be prescribed by the chairperson.

(Ord. 03-132(AM), § 3, 2003; Ord. 97-038, § 9, 1997; Ord. 94-119, § 2 (part), 1994; Ord. 90-42, §§ 12 and 13, 1990; Ord. 88-222 (part), 1988)

18.04.100 OFFICE AND STAFF.

(A) The port commission may be provided office space suitable for its needs, adequate to file its journals, resolutions, records, reference materials, correspondence and drawings, all of which shall constitute public records of the borough.

(B) The manager shall appoint the port director and port staff, after consultation with the port commission.

(C) The manager may retain legal counsel to advise the port commission in the proper performance of its duties. (Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 14, 1990; Ord. 88-222 (part), 1988)

18.04.110 FORMAL ACTS BY RESOLUTION.

All formal actions of the port commission shall be by resolution.

(Ord. 94-119, § 2 (part), 1994; Ord. 88-222 (part), 1988)

18.04.120 [Repealed by Ord. 90-042, § 15, 1990]

18.04.130 CONFLICT OF INTEREST; EX PARTE CONTACT.

(A) A port commission member shall not participate in deliberation or vote on a question if:

- (1) the port commission member or a member of the commissioner's immediate family has a financial interest in any property affected by the decision; and
- (2) the port commission member or a member of commissioner's immediate family could foreseeably profit in any material way through a favorable or unfavorable decision.

(B) Port commission members shall be impartial in all administrative decisions, both in fact and in appearance. No port commission member may receive or otherwise engage in ex parte contact with the applicant or appellant, or other parties interested in the application or appeal, or members of the public, concerning the application or appeal or issues presented in an application or notice of appeal, either before the application or appeal hearing or during any period of time the matter is submitted for decision or subject to reconsideration. This subsection shall not prevent port commission members from discussing an application or appeal among themselves, or prohibit communications between borough staff and port commission members where staff members are not named parties to the application or appeal, or members of an organization which in its own name has become an active party to an application or appeal.

(Ord. 94-119, § 2 (part), 1994; Ord. 90-42, § 16, 1990; Ord. 88-222 (part), 1988)

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