NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Civic Center, Community Room
Wednesday, March 23, 2015
6:00 PM

1) **CALL MEETING TO ORDER**
The meeting was called to order.

2) **ROLL CALL**

Commissioners:	Brad Avery, Chair	David Girling
	Duncan McIntosh	Joe Stapleton

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Analyst

3) **PLEDGE OF ALLEGIANCE**

4) **PUBLIC COMMENTS** – Non-agenda Items
None

5) **APPROVAL OF MINUTES**
Commissioner Stapleton made a motion to approve, with Commissioner McIntosh seconding. All ayes. Motion carries.

6) **CURRENT BUSINESS**

1. Mooring Review
The Harbor Commission will discuss mooring administration in Newport Harbor along with all of the rules and regulations concerning moorings. The Commission will eventually forward their recommendations to the City Council at a later date.

Recommendation:

1) Receive and file.

Chris Miller gave a PowerPoint presentation which was an overview of where we're at, and what needs to be discussed.

Chair Avery gave an introduction as to how he envisioned the meeting to proceed by first recapping transferability, fees, then other issues such as general rules. The Harbor Commission is collecting public input for the best recommendation. A final decision on moorings will be made by City Council at a later date

The Commissioners were asked to provide their opinion toward the subject. Commissioner Girling could see some kind of dividend paid toward the permittees if the moorings are rented but permittees must be willing to provide an equitable share of the public use of moorings. He added that the SLC wants value put back into the State's Tidelands and mirrors that condition so that there is value put back into Newport Harbor for all the public. Transferability should be resumed with a significant transfer fee both to eliminate profiteering and as source of Tidelands revenue. The transferability process should be transparent and facilitated by the City. Fees should be adjust according to CPI using the correct base rate. He added that regional dissimilarities make it an unlikely comparison of Avalon, Newport Harbor, and San Diego.

Commissioner Stapleton agreed with Girling's remarks and added that the interest list should be discarded. Reasonable rates will reflect fairness and equity to the public that are not permittees. He stressed

accessibility and transparency to the transfer process. Allowing transfers will establish market values of moorings.

Commissioner McIntosh commented that in an open market moorings will be within reach to all. Yet he cautioned against stockpiling and limiting one mooring per person. He added that the base fee of $25/ft is reasonable, no charge for transfer within the family, and no waitlist. Fees should be directed toward a mooring amenities fund.

Chair Avery stated that transfers should be allowed with a significant transfer fee. The more transparent the system is the more accessible and better the market will be for the public. All transactions should be listed for public information. Fees should be derived from the CPI approach. Revenues should be dedicated to the Harbor not beaches.

Speaker: Wondered if there will be a reduction after this year's fees will be paid? The Commission responded that would be up to Council.

Speaker: Bought mooring in an auction in 2002 in a closed bid auction. Not right for the City to take the permit after he bought it in an auction. Also requested handicap accessibility near public piers. Maybe a parking spot?

Seymour Beek: Not a stakeholder and never owned a mooring. Transferability is important to those who want to get into moorings. Waiting list does not work.

Tom O'Keefe: Appreciates hard work, but questioned Prop 218 status. Chris clarified that the fees are considered rent, therefore Prop 218 does not apply.

Nate Coleman: Pays $128 per month in San Diego with permanent dinghy storage. He thinks that there should be a mechanism for identifying dinghies as belonging to mooring permittees.

Brian Ouzounian: Suggests a dual name on a mooring permit. What is the downside of having an "or" on the mooring permit. No cost idea. No cost for mooring transfer to family and trust. Use of a survey is a good tool.

Steve Kazalski: Has onshore and offshore mooring, so concept of allowing only one mooring might need to be re-thought.

Al Sandburg: Has a mooring since the 1950's. Transfers were possible within immediate family.

Mr. Taylor: Does not have a mooring but keeps it in the dry stacks. Lots of derelict boats in the mooring fields. Do you need to keep a boat on the mooring?

Mike G.: Questioned the transfer process.

Jim Mahoney: Wants to be billed every other month instead of annually. Wants to loan mooring more. He offered himself as a shore boat service.

Chair Avery wanted to move on from these comments. He then went through some bullet point looking for straw votes from the audience.

1. Transfers: Audience wanted unlimited transfers.

    a. Transfer fees could be increased.

    b. No costs for transfers into trust.

c. What constituted "immediate family"? Current code is second degree of consanguinity. Speaker wants husband / wife on a mooring.

Chuck South: In emergencies, it's good to have one person to contact. The trustee is responsible for the mooring.

Speaker: If there's a partner on a boat, why can't both be on the mooring permit?

Carter: Not everyone has trusts. DMV allows "or". Backup phone number is good to have on hand.

Speaker: Document fee for preparing the sale is appropriate.

Duncan McIntosh: Suggests billing every other month. The mooring bills are too big to be paid at once. once.

2. Transfer fees: 5% of value? Keep it how it is at 50% of yearly rate? Percentage of sale encourages people to cheat. Keep a flat fee or keep it as the percentage of the yearly fee. Adjusts accordingly.

Carter: Avalon pays the PIT. They feel confident they are getting good data. Historic transfer fee in Newport was $1.20 per page. Supports 50% of yearly fee.

Speaker: Agrees with percentage but wants 25% instead of 50%.

Dan Gribble: State gives the right to City to maintain the tidelands. Huge fees are gouging.

Dave Girling: Returning value to the public.

Brian Ouzounian: What is the minimum to charge for permit fee?

Patricia Newton: How much is being contributed by the moorings to the harbor?

Speaker: Fairness to public. 50% is defensible. Don't make it too cheap or it will not look good for the moorings as a whole.

Scott Karlin: Mooring permittees give back in the form of yearly fees, transfer fees. They also give back to the sailing community when their moorings are rented when the permittees are away.

3. Mooring Rentals: 50% of the rental fee should be given back to the permittee. But, those moorings that are in better locations will get more money back. Joe Stapleton doesn't believe in the 50/50 split.

Speaker: Would be better if permittees could rent which means more revenue to City.

Chuck South: There is damage when people rent moorings, and the permittees have to pay for other's mistakes. Permittees should be compensated.

Richard Dorn: Most of the rentals occur in the A and C mooring fields.

4. Insurance: Should boats have insurance? Consensus is yes.

Carter: Explained the handouts provided.

In summary, the audience supported unlimited transfers, no cost for transfers to the trust, allowing for extenuating circumstances, more than one mooring for commercial users, service fee/transfer fee, clearer reporting for revenues and expenditures of mooring related projects.

Final Comments:

Joe thanked everyone for attending and for providing constructive feedback. Commissioner Girling commented that it is necessary to return value to the public's tidelands.

7) SUBCOMMITTEE REPORTS
None to report at this meeting.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES
None to report at this meeting.

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES
None to report at this meeting.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER
None to report at this meeting.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) - None

12) DATE AND TIME FOR NEXT MEETING:

April 7, 2015, 6:00 PM, Civic Center Community Room for the mooring related Harbor Commission meeting.

13) ADJOURNMENT
There being no further business to come before the Harbor Commission, the meeting was adjourned at approximately 8:00 PM. The Harbor Commission will also be meeting on Wednesday April 8, 2015 at 6:30PM.