



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

REPORT DATE: April 2, 1999
TO: Mayor and Councilmembers
FROM: Sandra E. Tripp-Jones, City Administrator
SUBJECT: HARBOR COMMISSION MEMBERSHIP EXPANSION PROPOSAL

RECOMMENDATION: That Council:

- A. Support the expansion of the Board of Harbor Commissioners from five members to a total of seven members and to allow for the appointment of one member to be a non-City resident; and
- B. Direct staff to work with the City Attorney's Office and City Clerk to place this Charter amendment measure change on the November 1999 General Municipal Election ballot.

DISCUSSION: See Attached Page

ATTACHMENTS:

1. Harbor Commission Proposal
2. Merchant Associations Letters
3. City Charter Sections 811 & 812

PREPARED BY: John N. Bridley, Waterfront Director

REVIEWED BY: _____ Finance _____ Attorney

STAFF USE ONLY

TO:
FROM: City Administrator
ACTION TAKEN:

DIRECTIONS:

Meeting Date: April 6, 1999

Agenda Item No. _____



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

REPORT DATE: April 2, 1999
TO: Mayor and Councilmembers
FROM: Harbor Commission
SUBJECT: HARBOR COMMISSION MEMBERSHIP EXPANSION PROPOSAL

RECOMMENDATION: That Council:

- A. Support the expansion of the Board of Harbor Commissioners from five members to a total of seven members and to allow for the appointment of one member to be a non-City resident; and
- B. Direct staff to work with the City Attorney's Office and City Clerk to place this Charter amendment measure change on the November 1999 General Municipal Election ballot.

DISCUSSION: See Attached Page

ATTACHMENTS:

1. Harbor Commission Proposal
2. Merchant Associations Letters
3. City Charter Sections 811 & 812

PREPARED BY: John N. Bridley, Waterfront Director

REVIEWED BY: _____ Finance _____ Attorney

STAFF USE ONLY

TO:
FROM: City Administrator
ACTION TAKEN:

DIRECTIONS:

Meeting Date: April 6, 1999

Agenda Item No. _____

BACKGROUND:

The Board of Harbor Commissioners is an appointed advisory commission established and governed by City Charter. The powers, duties, and required membership is also stated in the Charter along with and including the following other City Boards and Commissions.

- Planning Commission (7)
- Library Board (5)
- Board of Civil Service Commissioners (5)
- Board of Park Commissioners (5)
- Recreation Commission (5)
- Airport Commission (7)
- Board of Water Commissioners (5)
- Architectural Board of Review (9)
- Board of Fire and Police Pension Commissioners (5)
- Board of Fire and Police Commissioners (5)
- Historic Landmarks Commission (9)

The City Charter specifically states the Board of Harbor Commissioners shall consist of five members. Section 802 of the Charter states that members of such boards and commissions appointed by the Council shall be from qualified electors of the City unless prescribed otherwise by the Charter or ordinance. Currently, the Harbor Commission is limited to five members, all who must be City residents/electors.

DISCUSSION:

In October 1998, Harbor Commission Chairperson, Ken Owen, placed an item on the Commission's Agenda to consider a possible membership expansion of the Board of Harbor Commissioners (Attachment 1 - Proposal). The proposal involves expansion from five members to a total of seven and to allow for the appointment of one non-City resident as a member of the expanded Commission. At the December 1998 meeting, the Commission deliberated the pros and cons of the proposal. On a 3/2 vote, the Commission approved a motion to advise and request the Council to support the expansion proposal. For the most part, all the Commissioners supported a change in the membership to allow for the appointment of a non-City resident to the Commission. This stems primarily from the fact that the harbor serves the entire County, including active boaters, commercial fishermen, and harbor users who have an interest in serving on the Commission, however may reside outside the City.

The Commission was somewhat divided on the expansion to seven members. Benefits range from increased membership participation on subcommittee issues, meeting the demand for citizens' interest to serve on the Commission, and the growing complexity and responsibility of the Commission requiring diversity of input from the Board as a whole.

Some Commissioners questioned the need for the proposed membership expansion. Stated reasons included impacts on staff, increased paperwork, length of deliberations at meetings, and that the five-member Commission seemed to function effectively now, as in the past, and that the importance of a committee or commission should not be judged by the number of members.

After the Commission's decision and action regarding the Chairman's proposal, both the Stearns Wharf Merchants and Harbor Merchants Associations were asked by the Commission Liaison to comment and support the expanded membership. Attached are letters (Attachment 2) from their respective organizations stating their viewpoints. Both business associations are supportive of a non-City resident on the Commission, but they do not believe the expansion from five to seven members is necessary.

From the Waterfront Department staff's standpoint, there are both positive and negative aspects of the proposal. Clearly, having a non-City resident as a possible appointee to the Commission has merit and is endorsed whether it is a five or seven-member Commission. On the other hand, there is currently no urgency or compelling reason to request the Council or voters to change the City Charter for the membership expansion of the Harbor Commission.

As stated in both the City Charter and Municipal Code, the Harbor Commission has the power and duty to act in an advisory capacity to the Council on Waterfront/Harbor matters. The action taken by the Commission warrants consideration by the Council in order to place this item on the November 1999 ballot, which is required in order to change the Charter affecting the membership of the Harbor Commission. Should the Council look favorably upon the request and recommendation from the Commission, the following steps will be necessary. Waterfront Staff will work with the City Attorney's Office to draft ballot measure language amending the City Charter to reflect membership changes to the Harbor Commission. Once drafted, this language will be reviewed and approved by Council to be incorporated into a Resolution scheduled appropriately for Council adoption in order to be placed on the November 1999 General Municipal Election.

Should the Council proceed with this proposed change, staff would recommend that consideration be given to patterning the appointment and membership process similar to that of the Airport Commission, which is contained in the City Charter (Attachment 3). This process allows the Council to establish, by Ordinance, the membership, qualifications, and exceptions for appointees from

Council Agenda Report
HARBOR COMMISSION MEMBERSHIP EXPANSION PROPOSAL
Page 4

being City residents or electors of the City. Specific language would need to be drafted to incorporate the changes suggested by the Board of Harbor Commissioners along with some minor updating to outdated Charter provisions. Effectuating this membership change by Ordinance gives the Council greater flexibility in the future. This would eliminate the need to place the changes to the City Charter before the voters as part of the scheduled election. A simple ordinance amendment and adoption would allow for a membership change concerning the Commission.

OCT 15 1998
#8

Proposal to Expand the Harbor Commission to Seven
Members and to Allow Non-city residents
to Apply for One Position

BACKGROUND:

The charter of the City of Santa Barbara sets the membership of the Harbor Commission to five members and requires that all members be residents of the city. In order to change the number of members of the Commission (and the residency requirements) the Council would need to place an amendment to the city charter before the electorate in a public election. Any changes concerning the Harbor Commission would also need to be "bundled" with other proposed charter amendments in order to make an election more cost effective. Other charter amendments are pending.

DISCUSSION:

There are five main reasons that expansion of the Commission to seven members and allowing non-city residents to serve in one of those positions would be beneficial:

1. In order for the Commission to be effective, it is beneficial for sub-committees to work on detailed issues. Recently, the Commission has formed committees to explore such issues as parking, dredging, slip assignment, chartering, business activity permits, budget review, vessel navigability, and review of requests for proposals on harbor leases, to name a few. The work of these committees would be greatly facilitated if there were more Commission members available to serve on the committees and the responsibility did not fall primarily on a few members.
2. There are always more volunteers applying for the Commission than there are available open seats. Expanding the Commission would allow more qualified people the chance to serve on the Commission.

OCT 15 1993
#8

3. The Brown Act limits a small deliberative body more substantially than a larger one. With a membership of five, state law prohibits a member from speaking in private to more than one other member about issues that will come before the Commission. With seven members, two others can be consulted. This allows a member to more widely consult other Commission members and will increase the quality of decision making. In addition, when the Harbor Commission meets jointly with other advisory groups, we are limited to having two members participate. With an expanded Commission, three members can be involved.
4. The responsibility of the Harbor Commission has increased since its formation. Originally concerned only with the actual harbor, the Commission now has the additional responsibility to advise the Council on issues related to Stearns Wharf and Waterfront Parking. An expanded membership will help meet this increased responsibility.
5. Allowing non-city residents to apply for one seat on the Commission would increase the quality of the membership, as well as its breadth of perspective. On many occasions, individuals who are eminently qualified to serve on the Commission are unable to do so because the charter restricts membership to city residents. Since the harbor is the only port in the county, it is reasonable to allow individuals from neighboring communities the right to have a voice in its administration. As an example of this, the charter allows the Council to set the membership for the Airport Commission by ordinance giving them the flexibility to appoint non-residents. The charter could be amended in such a way to give the Council this flexibility relative to one seat on the Harbor Commission.

In summary, expanding the Commission to seven members and allowing the participation of one non-resident will greatly increase our ability to advise the Council on the operation of the Waterfront Department. Several boards and commissions have seven or more members. Among these are the Planning Commission Airport Commission, Committee for Senior Citizens, the Architectural Board of Review and Historic Landmarks Commission (See attached chart). These groups operate effectively with larger memberships, and their meetings are not awkward or unwieldy. The work of the Harbor Commission is at least of similar importance to these groups, and it would also benefit from a larger membership.

OCT 15 1998
#8

Advisory Groups with More than Five Members
(Partial list)

Name of Group	Members
Planning Commission	7
Airport Commission	7
Arts Advisory Commission	7
Community Events and festivals	7
Housing Authority Commission	7
Lower Westside Center Advisory Committee	7
Committee for Senior Citizens	7
Sign Committee	7
Westside Center Advisory Committee	7
Architectural Board of Review	9
Douglas Family Preserve	9
Downtown Parking Committee	9
Franklin Center Advisory Committee	9
Historic Landmarks Commission	9
Rental Housing Mediation Taskforce	15



City of Santa Barbara
Attention: Harbor Commission
Santa Barbara Harbor

January 11, 1999

Dear Harbor Commission,

On Thursday, December 7, 1999, the Stearns Wharf Business Association had its monthly meeting. On the agenda was a request by Commissioner Fingers for expanding the Harbor commission from five members to seven members and allow one member to be from outside of the city.

Our Association took a vote on both issues. We don't support increasing the commission from five to seven. We do support allowing one member to be from outside the City.

Thank you for bringing these issues up on our agenda.

Sincerely,

Capt. Don Hevick

Capt. Don
President - Stearns Wharf Business Association

Santa Barbara Harbor
Merchants Association

RECEIVED
FEB 03 1999
WATERFRONT
DEPT.

February 2, 1999

Mayor Harriet Miller and City Council
City Hall
P.O. Box 1990
Santa Barbara, CA 93102

Re: Proposal for a) Increased number of Harbor Commissioners
b) Consideration for one non-City Resident Commissioner

Dear Mayor Miller and Councilpersons,

The Santa Barbara Harbor Merchants Association was requested by Commissioner Finger to consider the above issues at our January meeting. Although we greatly appreciate Commissioner Finger's dedication and extra effort, we could not agree with both of his proposals.

Item a: Increasing number of Harbor Commissioners from 5 to 7.

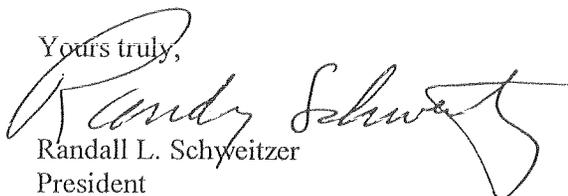
As with most commissions, periodically the number of significant topics and/or issues and sub-committee work can be overwhelming for the appointed number of volunteer commissioners. A few commissioners do more than their share. A larger commission will take up more staff time and also require more time for tenants who wish to discuss issues with commissioners. After weighing these pros and cons our members voted to not support an increase in the number of commissions at this time.

Item b: Consideration for one non-City Resident Commissioner.

There was a unanimous vote to allow one non-City Commissioner, who has a maritime, fishing, boating background to be appointed to the Harbor Commission. As with the Airport, our Harbor services all of Santa Barbara County; and therefore there may be extremely well-qualified candidates who live in the County and currently are not eligible for the Harbor Commission.

Thank you for your consideration on this matter. Should you have any questions on the above please contact me during business hours @ 962.2826.

Yours truly,


Randall L. Schweitzer
President

SBHM020299CityCouncilFinger

Cc: Harbor Commissioners
Mr. John Bridley, Waterfront Director

Section 811. Board of Harbor Commissioners. Powers and Duties.

There shall be a Board of Harbor Commissioners consisting of five (5) members which shall have the power and duty to:

(a) Recommend and act in advisory capacity to the City Council in all matters pertaining to the operation of all vessels and water craft within the Harbor of the City, the use, control, operation, promotion and regulation of said Harbor, the construction, improvement, erection, dredging, maintenance and operation of the said Harbor and all navigable waters, buildings, structures, wharves, docks, piers, warehouses, railroads, appliances, utilities and facilities forming a part of or accessory to or relating to said Harbor or to water commerce, navigation or fishery in or about said Harbor, as the same may now exist or may hereafter be extended.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above, or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with the said Harbor or the use or operation thereof or of anything accessory thereto or connected therewith.

(c) Consider the annual budget for the Harbor Department during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Harbor Manager or other head of the Harbor Department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, materials and supplies relating to the Harbor Department.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Section 812. Airport Commission.

There shall be an Airport Commission which shall be responsible for matters pertaining to management and operation of the Airport facilities of the City.

The City Council shall, by ordinance, provide for the powers and duties of the Commission, the number of members, the qualifications of members and the members' terms of office. All members shall be appointed by the City Council, but the ordinance may authorize appointment of members selected by other public entities. Notwithstanding Section 802 of this Charter, the members of the Commission need not be electors of the City, and may be non-residents.

Notwithstanding other sections of this Charter, the Council may, by ordinance, grant to the Commission the power and duty to manage and operate the Airport including (1) the selection and appointment of employees; (2) the execution of leases; (3) the construction, improvement, erection, maintenance and operation of all buildings, structures, accessories, equipment, utilities, appliances, materials and supplies related to said Airport and; (4) the acquisition of, disposition of or repair of facilities, equipment and supplies related to the Airport.

The Council may, by ordinance, authorize the Commission to promulgate rules and regulations related to operation and maintenance of the Airport, including the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with the Airport. However, all matters required to be accomplished by ordinance shall be submitted to the City Council for approval and adoption. (Approved by election held November 5, 1974.)