RESOLUTION NO. 05-018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING PROCEDURES FOR CONDUCTING LOTTERIES TO CREATE WAITING LISTS FOR THE ASSIGNMENT OF HARBOR SLIPS.

WHEREAS, Santa Barbara Municipal Code Chapter 17.20 provides that Harbor slips that are not assigned through either the Master Waiting List or the Sub-Master Waiting List, or if either of those lists have no slip applicants, shall be assigned to applicants on waiting lists selected through a lottery process; and

WHEREAS, the procedure for conducting the lotteries are set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. General. The following procedure shall apply to the creation of waiting lists by lottery drawing (Lottery Lists) for the assignment of slips that are designated Commercial Fishing Slips or that can be utilized for either commercial or recreational purposes and that have been referred to the Lottery List.

A. LOTTERY LIST FOR THE ASSIGNMENT OF SLIPS NOT SPECIALLY DESIGNATED FOR COMMERCIAL FISHING.

Any slip that remains unassigned after being offered for assignment to the Master Waiting List or Sub-Master Waiting List, or if the Sub-Master Waiting List has no applicants, shall be offered for assignment to an applicant on a Lottery List as established herein.

1. Lottery Participation Request.
To participate in a lottery for placement on a Lottery List for the assignment of a slip that may be utilized either for commercial or recreational purposes, an applicant must submit a completed Lottery Participation Request form to the Waterfront Department. Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the lottery drawing. The opening date and duration of the time period for the submission of Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this time period, Lottery Participation Request forms may be obtained from the Waterfront Department during

normal business hours. An individual may submit only one Lottery Participation Request. At the conclusion of the time period for accepting Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Request Folder").

2. Lottery List Formation.
The Lottery List shall be established by a drawing of Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a scheduled public hearing. At the hearing, the Harbor Commission Chair shall draw, by lot, a maximum of seventy (70) Lottery Participation Requests from the Request Folder. The first fifty (50) Lottery Participation Requests drawn from the Request Folder shall be provisionally placed on the Lottery List. The remaining twenty (20) Lottery Participation Requests drawn from the Request Folder shall be placed in a separate folder ("Contingency Folder") to be used on a contingency basis. If any of the fifty (50) applicants whose Lottery Participation Request has been provisionally placed on the Lottery List fail to successfully complete the application process, the Waterfront Director shall add the next-ranked Lottery Participation Request from the Contingency Folder to the end of the Lottery List. This process of adding Lottery Participation Requests from the Contingency Folder shall continue until the Lottery List contains a maximum of fifty (50) completed applications. Upon completion of the Lottery List, all incomplete applications and all Lottery Participation Requests remaining in the Request Folder and the Contingency Folder shall be discarded.

3. Lottery List Ranking.
The Commission Chair shall rank the Lottery Participation Requests according to the order in which each Lottery Participation Request is drawn from the Request Folder. The first applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number one on the List. The second applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number two on the Lottery List and so on until each of the seventy (70) drawn Lottery Participation Requests are ranked. The final Lottery List shall consist of applicants with the highest ranked Lottery Participation Requests, up to a maximum of fifty (50), who have timely submitted complete applications and paid the Lottery Participation Fee.

B. AUGMENTATION OF THE LOTTERY LIST.

A lottery drawing shall be conducted by the Harbor Commission whenever the Lottery List contains twenty (20) applicants or fewer.

1. Lottery Participation Requests.
Lottery Participation Requests shall be submitted to and received by the Waterfront Department in accordance with procedures for submitting Lottery Participation Requests set forth in Section A.1 herein.

2. Procedure to Augment the Lottery List.
The lottery shall be conducted by the Harbor Commission in the same manner as established for creating the original Lottery List as set forth in Section A herein. The Harbor Commission Chair shall draw, by lot, a maximum of fifty (50) Lottery Participation Requests from the Request Folder with the intent to augment the Lottery List by up to thirty (30) applicants. Lottery Participation Requests drawn by the Chair from the Request Folder shall be added, in the order drawn, at the end of the Lottery List in accordance with the procedures for Lottery List formation set forth in Section A 2 herein. The process of adding applicants to the Lottery List shall continue until the Lottery List contains a maximum of fifty (50) total completed applications. Upon completion of the Lottery List, all incomplete applications and Lottery Participation Requests not selected and remaining in the Request Folder shall be discarded.

3. Ranking.
Ranking of applicants to augment the Lottery List shall be in accordance with the procedures for ranking set forth in Section A.3. herein.

C. COMMERCIAL FISHING SLIP LOTTERY.

1. Commercial Fishing Slip Lottery Participation Request.
To qualify for placement in a Commercial Fishing Slip Lottery, all applicants must submit a completed Commercial Fishing Slip Lottery Participation Request to the Waterfront Department. Commercial Fishing Slip Lottery Participation Requests shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the Commercial Fishing Slip Lottery drawing. The opening date and duration of the time period for the submission of Commercial Fishing Slip Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this period Commercial Fishing Slip Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. An individual may submit only one Commercial Fishing Lottery Participation Request. At the conclusion of the time period for accepting Commercial Fishing Slip Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Commercial Fishing Request Folder").

2. Lottery Formation.
The Harbor Commission shall hold a public hearing during which the Commission Chair shall draw, by lot, a maximum of three (3) Commercial Fishing Slip Lottery Participation Requests from the Commercial Fishing Request Folder for potential slip assignment.

3. Lottery Ranking.
The three (3) applicants whose Commercial Fishing Slip Lottery Participation Requests are selected in the lottery shall be ranked according to the order in which their Commercial Fishing Slip Lottery Participation Requests were drawn by the Commission Chair. The first applicant whose Commercial Fishing Slip Lottery Participation Request is drawn shall be ranked number one and so on. The Commercial Fishing Slip available for assignment to the Commercial Fishing Slip Lottery shall be offered for assignment to the applicant whose Commercial Fishing Slip Lottery Participation Request is ranked number one in the Lottery and who satisfies all requirements for assignment of a Commercial Fishing Slip. If the number one ranked applicant cannot satisfy the requirements for assignment of a Commercial Fishing slip, the number two ranked applicant shall be offered the slip assignment, and so on. Once a slip assignment offer is accepted from the Commercial Fishing Slip Lottery, the remaining Commercial Fishing Slip Lottery Participation Requests shall be discarded and the Lottery shall be disbanded.

RESOLUTION NO. 05-018

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on March 1, 2005, by the following roll call vote:

AYES: Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Helene Schneider, Mayor Marty Blum

NOES: None

ABSENT: Councilmembers Dan B. Secord, Das Williams

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on March 2, 2005.

Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on March 2, 2005.

Marty Blum
Mayor