



CITY OF MORRO BAY HARBOR ADVISORY BOARD A G E N D A

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Thursday, October 3, 2013
Veteran's Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Jeff Eckles, Chair

Bill Luffee, Vice Chair
Jim Phillips
Lynn Meissen

Gene Doughty
Dana McClish
(Vacant)

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department's Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

A-1 Approval of Minutes from Harbor Advisory Board meeting held on
September 5, 2013

Staff Recommendation: Approve minutes.

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report
Staff Recommendation: Receive and file.
- B-2 Presentation of Status of Eelgrass in Morro Bay by the Morro Bay National Estuary Program
Staff Recommendation: Receive and file.
- B-3 Presentation on Commercial Fishing Gear Types by the Morro Bay Commercial Fisherman's Organization
Staff Recommendation: Receive and file.

C. UNFINISHED BUSINESS

- C-1 Harbor Department Rules and Regulations: Change of Slip Regulations to Allow Qualified Commercial Fishermen to Keep Up to Two Different Vessels in Their Slip
Staff Recommendation: That the Harbor Advisory Board (HAB) review the proposed language change and make a recommendation of approval to the City Council.

D. NEW BUSINESS

- D-1 Proposed Change of Harbor Advisory Board By-Laws to Allow for Designated Morro Bay Commercial Fisherman's Association Seat to Have an Alternate Member or Members in Order to Ensure Association Attendance and Participation
Staff Recommendation: That the Harbor Advisory Board review the proposed language change to the Harbor Advisory Board By-Laws and make a recommendation of approval to the City Council.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill's/ASAP, 495 Morro Bay Boulevard, or online at www.morro-bay.ca.us. Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled meeting.

CITY OF MORRO BAY

HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, September 5, 2013 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

Present: Members: Gene Doughty
 Jeff Eckles
 Bill Luffee
 Dana McClish
 Lynn Meissen
 Jim Phillips
 (Vacant Seat)
 Staff: Eric Endersby, Harbor Director
 Polly Curtis, Office Assistant

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Mr. McClish said the Morro Bay Yacht Club will have a booth at the Harbor Fest in October featuring the Youth Sailathon to benefit the Morro Bay Youth Sailing Foundation and their purchase of a new FJ race boat. Donations will be happily accepted.

Mr. Doughty said the Morro Bay Landing lease site now has live bait.

Chair Eckles recommended that Agenda Item D-1 be moved ahead of all other Agenda Items tonight, and the Board concurred. (Minutes will remain in original order.)

PUBLIC COMMENT

Mrs. Barbara Doerr commented in favor of making no changes to Measure D.

Mr. Tom Hafer offered his services to fill the vacant seat of the Harbor Advisory Board, as long as other members of the Morro Bay Commercial Fisherman's Organization might be allowed to sit in for him when he is out fishing. Chair Eckles thanked Mr. Hafer and said the process will begin toward accepting his application to fill the vacant Harbor Advisory Board seat.

A. CONSENT CALENDAR
A-1 MINUTES

Mr. Phillips moved the August 1, 2013 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Mr. Luffee and carried unanimously.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

Commercial Fishing: Squid, Salmon, Albacore

New Harbor Patrol Vessel

North T-Pier Construction Plans

Recent Events:

Project Surf Camp

NEP Eelgrass Planting

Lease Site News:

Percent-of-Gross Lease Sales are Up

RFP for LS107W-108W

RFP for Aquarium

Morro Bay Landing has Live Bait

Harbor Hut Project Approved by Coastal Commission

Safety and Awareness Meeting with Leaseholders Sept 12

Beach Lifeguards on Weekends Only through Harbor Festival

Emergency Incidents:

August 25 Sinking Boat off Cayucos

August Sunken Boat Raised in State Park Marina, "Glowing Star"

Offshore Geophysical Permit Program ("OGPP") and Staff Letter to State Lands

C. UNFINISHED BUSINESS

C-1 Update from Boatyard/Haulout Ad-Hoc Committee on Committee's Recent Activities

Mr. McClish presented slides to the Board showing overlays of other boatyards onto two different possible locations in Morro Bay, one on the north side of the power plant, and one on the south side in the parking lot now owned by the City. Mr. McClish also reviewed slides of locations for the travel lift, north of the intake building and south of the South T-Pier. He said the original design by RRM that includes the travel lift location north of the power plant intake building is also the one the Coastal Commission liked at the time.

Mr. McClish said the Committee is also looking at possibilities for a separate boat storage yard. He said the former power plant lot which the City now owns is two-and-one-half acres, and has plenty of space for boat storage, parking and even the Maritime Museum. Overlays of other boatyards such as Santa Cruz, Marina del Rey, San Diego, and Santa Barbara showed the hoist locations, haulout yards, boat storage, and travel lifts. He said everyone from sport fishermen to sailboat owners (called dry sailing) to recreational motor vessel owners all use the boat hoist. It is a money-maker.

Mr. McClish said nearly everything depends on what happens with the power plant, but the Committee will continue to watch for opportunities, and would like to see forward progress in the direction of purchasing a travel lift.

Discussion by the Board on both sites being zoned for commercial purposes; areas designated as ESHA; buying a 70-ton travel lift versus the need for a 100-ton travel lift. Discussion on past and current sunken vessels and the need for a haulout. Chair Eckles said this is an important vision and he hopes the plans will move forward as events happen with the power plant.

D. NEW BUSINESS

D-1 Measure D Study Session to Take Public and Harbor Advisory Board Input on Placing an Initiative on the General Ballot in Regard to Amending the Measure

Mr. Endersby briefly reviewed the background of Measure D, saying the existing City Council requested a review of Measure D by the Harbor Advisory Board, the public and stakeholders to determine if the Measure needed to be revised, strengthened, redefined for clarification, or left as is. Mr. Endersby said there have been continual comments over the years on Measure D from fishermen, leaseholders, council members, and the public, but no specific event has moved this topic to the forefront, other than City Council deciding to agendize Measure D.

Discussion by the Board on current restaurants that are “grandfathered” in to the zone north of Beach Street on the water side; and the newer subleases such as Stand-Up Paddle and kayak shop, etc. They agreed that the Maritime Museum is across the street and not located inside the Measure D zone.

Chair Eckles opened the topic up to public comment, saying there seems to be many people in the audience tonight who have lived in this town a long time and would know the history on this Item. He asked if some of them would explain the original intent and spirit of Measure D.

Ms. Sharon Moores said she is Virgil Moores’ daughter, and that back in 1981 when Virg and Joe Giannini spearheaded the initiative of Measure D, the terminology was different from today. She said it may be beneficial to clarify the term in Measure D of “noncommercial recreational fishing” to become “Commercial Passenger Fishing Vessels” which is the current term that applies to their boats and business. She said the original intent of Measure D was meant to include both commercial and sport fishing.

Mr. Tom Roff, commercial fisherman for 40 years, said he believes Measure D has allowed the continued stability of commercial fishing in Morro Bay. He said back in the East development along the coast has nearly pushed commercial fishing out. He wants to keep Measure D as it stands to protect this zone, and does have a problem with kayak shops moving in. He said there are plenty of T-shirt shops and hotels on the Embarcadero and they should not be allowed in the north end. Mr. Roff said this is a very important zone to the fleet, which will continue to use the area more and more as the trend into the future looks good for commercial fishing. He said when too many entities start to reword Measure D it can become twisted toward their own benefits and convoluted; so he asked the Harbor Advisory Board for status quo on Measure D.

Ms. Nancy Bast said Joe Giannini started the initiative as he saw all the areas to the south being gobbled up by visitor-serving businesses. She believes if the commercial zone goes away that it will not come back and the fish buyers and fishermen will have nowhere to go.

Mr. Mark Tognazzini said he was here in 1981 to vote for Measure D. He said his good friend Joe Giannini had foresight that none of us will ever have about commercial fishing, in Morro Bay especially, and in forming this initiative. He agrees with Ms. Moores that the language always meant to include both sport and commercial fishing so if the definition needs to be clarified that is fine, but he prefers Measure D to remain status quo.

Ms. Cathy Novak said she agrees that Measure D should be kept but that some of the language is ambiguous. She would prefer clear direction for current lease sites on how the sites can be developed in keeping with their lease agreements as well as complying with Measure D.

Discussion by the Board on the term “facilitating” in Measure D; commercial and noncommercial clarification; and the boat haulout being located in this zone.

Mr. Rob Schultz, City Attorney, said he is personally very proud of Measure D, and agreed with the comment that Mr. Giannini had great foresight in developing the initiative. He said there are ways to clarify the language to make it stronger for commercial fishing in this zone, but if the Board votes for no changes, he will continue to deal with the lease sites and other issues on a case-by-case basis. He said definitions can be clarified without the initiative going out to voters.

Mr. Schultz said the first sentence of Measure D is the only legally binding one, as the next sentence reads, "for purpose of illustration only..." so all wording that follows are only examples of that first sentence. He said the Harbor Lease Management Policy will come up for review soon and this would be the ideal place to make any changes to the definition of Measure D.

Further discussion by the Board.

MOTION: The Harbor Advisory Board recommend to City Council that the City develop a policy statement defining passenger for hire and sport fishing as it pertains to Measure D, and to urge the City toward conservative interpretation to favor the commercial fishing industry and strict enforcement of Measure D.

Discussion by the Board. Ms. Meissen said she thought the first part of the Motion would not have great utility in helping the Harbor Director make decisions on what types of businesses are allowed in the area under Measure D, such as the Stand-Up Paddle business. She said that she really liked the second part of the Motion and anything that will help support our local fishermen.

Vote: The Motion passed with a vote of 5 to 1, with Ms. Meissen voting no.

E. DECLARATION OF FUTURE AGENDA ITEMS

- Oct: Draft Harbor Department Rules and Regulations Re: Discussion of Slip Regulations for Fishermen Owning Two Boats**
Change to HAB By-Laws for Alternative MBCFO Members on HAB Seat
Nov: Presentation by a Commercial Fisherman on Types of Fishing
Morro Bay's Clean Marina Certification
NEP Status Report on Eelgrass Replanting Project

F. ADJOURNMENT

This meeting was adjourned at 7:50 PM.

Submitted by,



Polly Curtis
Harbor Department



AGENDA NO: B-1

MEETING DATE: October 3, 2013

Staff Report

TO: Harbor Advisory Board

DATE: September 26, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Status Report

RECOMMENDATION

Receive and file.

DISCUSSION

Staff News: Reserve Harbor Patrol Officer badges were recently pinned on officers Tim Cowan, Nate Ditmore, Marcos Green, Garrett Rose, and Kyle Shaffer for their service and training to date. Separate Reserve badges are a first for the department.

New Harbor Patrol Vessel: The new vessel has now moved to the "clean" side of the Radon boatyard where the engines, outdrives, and all other equipment and fittings are being installed. Although slightly behind schedule, good progress continues to be made. A recent photo is included with this staff report.

Recent Training: Department personnel recently attended Emergency Natural Gas Responder/Disaster Training conducted locally by the Gas Company. This session taught basic awareness and response protocols for first responders in incidents or disasters involving natural gas equipment, pipelines, or leaks.

Lease News: On September 12 an annual safety and awareness meeting was held by the Harbor Department for all of the local kayak/canoe rental, electric boat rental, charter, and other passenger-for-hire vessels in Morro Bay. This yearly event brings all of these stakeholders together to discuss safety and environmental concerns and issues, areas of common interest, and good business practices to ensure that all users of Morro Bay waters have a safe and enjoyable time. The meeting was very well attended.

The lease sites for Rose's Landing and Rocca's were both recently approved by the City Council for Consent of Landowner agreements. This means that the preliminary development proposals submitted by each are acceptable to the Council, and that Harbor Department staff are authorized to begin lease negotiations based on their proposals. In the case of Rose's, a slip development project is being proposed, while at Rocca's a completion of the interior remodel begun in 2010, completion of the Harbor Walk at the site, and improvements to the adjacent Anchor Memorial Park are being proposed.

Plover Fencing: With the end of the nesting season, the symbolic Snowy Plover fencing on the sandspit was removed over September 24-26 with the assistance of State Parks personnel.

Derelict Vessels: The derelict fishing vessel Shillelagh, currently at the north T-Pier, is being cleared of excessive debris, deck hazards, fuel, oil, and other hazardous materials because the owner is no longer capable of caring for it. Due to the vessel's very deteriorated condition, the department is taking all possible efforts to remove the environmental and other hazards now.

The AIS landing craft at the south T-Pier is being dismantled by its owners in anticipation of being hauled from the water and towed away.

Events: Coastal Cleanup Day was Saturday, September 21. Volunteers who were coordinated by the Morro Bay National Estuary Program made the cleanup efforts on the sandspit.

The annual Harbor Festival is Saturday and Sunday, October 5 and 6 this year. A change in the venue layout will occur this year, with a return to the Front Street parking lot as a venue site, and a pullback from the northern end of the waterfront.

Prepared By: EE

Dept. Review: EE





AGENDA NO: B-2

MEETING DATE: October 3, 2013

Staff Report

TO: Harbor Advisory Board

DATE: September 25, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Presentation of Status of Eelgrass in Morro Bay by the Morro Bay National Estuary Program

RECOMMENDATION

Receive and file.

BACKGROUND

At the September 2013 Harbor Advisory Board meeting a Future Agenda item was requested by a consensus of the Board for a presentation from the Morro Bay National Estuary Program (MBNEP) on the status of the eelgrass beds in Morro Bay and a general discussion of recent and future efforts to study and/or enhance the health of said beds.

DISCUSSION

A member of the MBNEP will be presenting an oral report on the item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: B-3

MEETING DATE: October 3, 2013

Staff Report

TO: Harbor Advisory Board

DATE: September 25, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Presentation on Commercial Fishing Gear Types by the Morro Bay Commercial Fisherman's Organization

RECOMMENDATION

Receive and file.

BACKGROUND

At the August 2013 Harbor Advisory Board meeting a Future Agenda item was requested by consensus of the Board for a presentation from the Morro Bay Commercial Fisherman's Organization (MBCFO) on the different types of fishing gear and methods used by the fleet.

DISCUSSION

A member of the MBCFO will be presenting an oral report on the item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-1

MEETING DATE: October 3, 2013

Staff Report

TO: Harbor Advisory Board **DATE:** September 25, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Rules and Regulations: Change of Slip Regulations to Allow Qualified Commercial Fishermen to Keep Up to Two Different Vessels in Their Slip

RECOMMENDATION

That the Harbor Advisory Board (HAB) review the proposed language change and make a recommendation of approval to the City Council.

FISCAL IMPACT

Minimal negative fiscal impact expected if proposed changes are adopted due to loss of some transient slip fees from the few fishermen that will take advantage of the allowance.

BACKGROUND

At the December 2012 Harbor Advisory Board meeting, several commercial fishermen in City slips requested that the HAB consider their proposal in a future agenda item to change the Harbor Department Rules and Regulations to allow qualified fishermen with more than one fishing vessel to be allowed to keep any of their vessels in their slip. Currently, if such a fisherman were to put his second or other vessel in a City slip, even his own slip, it would be subject to the City's slip subleasing policy and higher transient slip rates. The HAB agreed to considering it at a future meeting.

At the February 7, 2013 Harbor Advisory Board meeting, staff presented the item, a copy of that staff report is included with this staff report. At the February 7, 2013 meeting the HAB voted unanimously to approve recommendation of a rules change for the allowance of fishermen with multiple vessels to keep up to two different vessels in their slip, provided both vessels met the commercial fishing vessel qualification criteria.

DISCUSSION

In order to effect a Rules and Regulations change that would accommodate commercial fishermen owning two vessels to keep either vessel in their slip at the fisherman's discretion, staff is recommending that the following language be added to Section 2 Paragraph A of the Harbor Department Rules and Regulations:

A commercial fisherman with a qualified commercial fishing vessel, as defined, occupying a City slip may, at the fisherman's discretion, occupy said slip with a second qualified commercial fishing vessel owned by the fisherman in place of the first vessel provided that said second vessel is of an appropriate size for said slip, and that both vessels remain qualified commercial fishing vessels as defined. This allowance will in no way be used by said fisherman for the purposes of transfer of the slip to a second owner or owners of either vessel in order to bypass the commercial slip waiting list by the second owner or owners.

Page one of the Rules and Regulations is attached for reference. Should the HAB approve of the preceding language, or a modification of it, staff will bring it forward to the City Council for consideration.

CONCLUSION

Staff is recommending that the HAB approve for City Council consideration a change to the Harbor Department Rules and Regulations that would allow for commercial fishermen with more than one qualified vessel to keep either vessel in their slip without having to sublease or pay transient fees for their second vessel.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-1

MEETING DATE: February 7, 2013

Staff Report

TO: Harbor Advisory Board **DATE:** January 30, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Rules and Regulations;
Discussion of Slip Regulations for Fishermen Owning Two Boats

RECOMMENDATION

That the Harbor Advisory Board review the issue and make a recommendation, if any, to the City Council for consideration.

SUMMARY

Current Morro Bay Harbor Rules and Regulations provide that when a commercial fisherman is vacant from their City slip, the City can rent the unoccupied slip on a temporary basis. Some Morro Bay fishermen now have two fishing boats, and are requesting that the Rules and Regulations be changed to allow them to use their slip for either of their two boats. Currently, the Rules and Regulations would consider the second boat a transient sublease at the higher transient slip rate.

BACKGROUND

In recent years, some Morro Bay commercial fishermen occupying City slips have begun operating two fishing boats. Currently, when a commercial fisherman in a City slip is vacant from their slip for any period of time, the City reserves the right to sublease said slip on a transient basis and to collect the revenues. Harbor Department staff is responsible for managing the subletting, and the fisherman's vacant slip may or may not go to his second boat if he is seeking a slip for it as they are managed on a waiting list basis.

At the December Harbor Advisory Board meeting, two commercial fishermen in City slips requested that the City consider allowing owners of two commercial fishing boats the ability to put either of their boats in their slip, depending on which one they were currently fishing in the area. This is assuming that both are "qualified" fishing boats as set forth in the Morro Bay Municipal Code. The pertinent Harbor Department Rules and Regulations and Morro Bay Municipal Code sections are attached for reference.

Prepared By: EE

Dept. Review: EE

DISCUSSION

Current Morro Bay Municipal Code, Harbor Department Rules and Regulations, and the Harbor Department Rental Agreement provide that a single commercial fishing boat can qualify for and occupy a City slip. In order to allow for fishermen with two boats to use their slip for either boat at the fisherman's discretion, several changes would have to be made to the Municipal Code, Rules and Regulations, and Rental Agreement. This would require City Council approval as well as City Attorney review.

There are currently three Morro Bay commercial fishermen owning two boats that have opted to qualify and occupy each boat in individual City slips.

FISCAL IMPACT

The qualified commercial slip rate is half that of the transient slip rate. Some negative fiscal impact would occur if two-boat slip owner use were allowed, since historically the second boat of any two-boat slip owner is charged the higher transient slip rate for the second, non slip-assigned boat. Although it is unknown what the exact impact would be, it would likely be minimal provided it was not a large number of slip holders with two boats participating.

CONCLUSION

Several Morro Bay commercial fishermen have expressed the desire to be able to put either of their commercial fishing boats in their City slip at their own discretion, provided both boats are "qualified" boats as defined. Enactment of this allowance will have minimal fiscal or operational impacts. In fact, it may result in a faster turnover on the slip waiting list. However, Municipal Code, Rules and Regulations, and Rental Agreement changes will have to be made in order to implement such a program, and will ultimately require City Council approval.

**CITY OF MORRO BAY - HARBOR DEPARTMENT
RULES AND REGULATIONS
FOR VESSELS USING CITY PIERS, DOCKS AND OFFSHORE MOORINGS**

INTRODUCTION

The City of Morro Bay directly operates 2 piers, approximately 50 slips and 70 individual moorings. The City also provides a floating dock and anchorage area for transient vessels. City-managed individual mooring sites are in the A2, A1-1 and A1-2 mooring areas as shown in the attached map. The City leases out the A1-3 and A1-4 mooring areas to the Morro Bay Yacht Club and Morro Bay Marina respectively which manage individual mooring assignments in those areas. Most Embarcadero slips and the State Park Marina slips are privately operated with rules and regulations set by the operator. Following are rules and regulations for City managed facilities and general operation of the Harbor within City limits. The Harbor Department shall mean the Harbor Director, or any designated employee of the City of Morro Bay Harbor Department.

1. MORRO BAY HARBOR DEPARTMENT - GENERAL REGULATIONS

No person shall anchor, moor or secure a vessel or any object within the City of Morro Bay except in designated areas and locations set by the Morro Bay Harbor Department and the Morro Bay Municipal Code. Any vessel or object moored, anchored or secured in violation of this section may be declared a hazard pursuant to California Harbor and Navigations Code Section 523 and shall be relocated to a safe anchorage or berthing location by the Harbor Patrol. The owner will be charged for all costs associated with such relocation and may be subject to impoundment at the fee shown in the Master Fee Schedule. No vessel may exceed 5 MPH speed limit within the Morro Bay City limits with the exception of governmental agencies in the performance of duties. Discharge of sewage is strictly prohibited. No person may liveaboard a non-transient vessel in excess of 4 days without first obtaining a permit as provided for in Morro Bay Municipal Code, Section 15.24.

To use or occupy City docks, City moorings, City Piers, the A1-5 anchorage area or City floating dock a vessel must be registered with the Harbor Department including submission of a signed RENTAL AGREEMENT or transient berthing agreement card.

2. CITY SLIPS

A: General

City slips shall be assigned to commercial fishing vessels as defined in Morro Bay Municipal Code 15.04.150 and Resolution 23-91 of the City of Morro Bay. Rental agreements for use of City slips are not transferable. If a vessel is sold or ceases to qualify for a slip, the agreement is terminated. No city slip agreement holder may allow the use of any city slip by another vessel without the prior permission of the Harbor office. The City may rent any unoccupied slip on a temporary basis.

Berthing space behind head floats on City slips will be designated as "head float berth" in the City's Master Fee Schedule and may be assigned to qualified commercial fishing vessels which will be charged at the monthly commercial slip rate. Vessels other than skiffs or qualified commercial fishing vessels desiring to use the "head float berth" will be charged as set forth in the City Master Fee Schedule. This "head float berth rate" may be adjusted annually by the City Council. Head Float Berth spaces will be assigned on a first come, first serve basis with prior approval of the Harbor Department.



AGENDA NO: D-1

MEETING DATE: October 3, 2013

Staff Report

TO: Harbor Advisory Board **DATE:** September 25, 2013

FROM: Eric Endersby, Harbor Director

SUBJECT: Proposed Change of Harbor Advisory Board By-Laws to Allow for Designated Morro Bay Commercial Fisherman's Association Seat to Have an Alternate Member or Members in Order to Ensure Association Attendance and Participation

RECOMMENDATION

That the Harbor Advisory Board (HAB) review the proposed language change to the HAB By-Laws and make a recommendation of approval to the City Council.

FISCAL IMPACT

None.

BACKGROUND

The Harbor Advisory Board By-Laws stipulate that the City Council will attempt to select HAB members from certain representative categories, one of which is the Morro Bay Commercial Fisherman's Organization (MBCFO). However, both HAB and City Council consensus and direction has been that the MBCFO seat is a very important one and that it will be filled by an MBCFO representative. However, this seat is historically difficult to fill given the nature of commercial fishing and the inability of many fishermen to be able to meet the attendance criteria set-out in the By-Laws. Currently the MBCFO seat is vacant, largely due to this fact.

At the September 5, 2013 HAB meeting, current MBCFO President Tom Hafer spoke in public comment that he was willing to serve, but that the attendance requirements would be difficult for him to meet and that the organization would like to be allowed to name an alternate or alternates to the primary MBCFO HAB seat member. The HAB expressed its consensus to such an allowance and asked that it be brought forward as a Future Agenda item.

DISCUSSION

In order to accommodate an alternate or alternates for the MBCFO seat, it is recommended that the following language be added to the HAB By-Laws immediately under the list of member categories in the By-Laws as such:

However, the City Council and Harbor Advisory Board recognize the importance of the Morro Bay Commercial Fisherman's Association (MBCFO) seat, and acknowledge that it is often difficult for commercial fishermen serving on the HAB to meet the attendance requirements due to the nature of their business. As such, up to two (2) Alternate MBCFO members to the Primary member may be appointed by the City Council in the same manner and fashion as regular appointments in order to stand-in for the Primary member in the event of the Primary member's absence.

A copy of the HAB By-Laws are attached. Should the HAB approve of the preceding language, or a modification of it, staff will bring it forward to the City Council for consideration.

CONCLUSION

Staff is recommending that the HAB approve for City Council consideration a change to the HAB By-Laws that would allow for alternates to the MBCFO-designated seat in order to facilitate full and complete participation of the MBCFO in HAB proceedings.

Prepared By: EE

Dept. Review: EE

CITY OF MORRO BAY HARBOR ADVISORY BOARD BY-LAWS

PURPOSE AND AUTHORITY

The Harbor Advisory Board is established to review, advise and recommend to the City Council on items pertaining to the City Harbor. These include, but are not limited to:

- A. Use, control, promotion and operation of vessels and watercraft within the harbor, docks, piers, slips, utilities and publicly-owned facilities as a part of the City's Harbor, and water commerce, navigation, or fishery in the Harbor.
- B. Review and recommend rules and regulations pertaining to any of the matters listed in subsection A of this section.
- C. Review and recommend rates, tolls, fees, rents, charges or other payments to be made for use or operation of the Harbor.
- D. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on matters relating to activities within the harbor. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

APPOINTMENT

The Harbor Advisory Board shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Commercial Fishermen's Association
- Waterfront Leaseholders
- Marine Oriented Business
- Recreational Boating
- Representative of South Bay/Los Osos
- Two Members at Large

TERMS OF OFFICE

Members shall serve, without compensation, for a period of four (4) years commencing February 1st. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

QUALIFICATIONS

Four of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.