



**HARBOUR COMMISSION
MINUTES
DRAFT**

**Thursday, October 26, 2023
Community Service Conference Room
2000 Main Street
Huntington Beach, CA 92648**

CRAIG SCHAUPPNER, Chair
KIMBERLEY MILLIGAN, Vice Chair
WILLIAM LARKIN, Board Member
CHRIS NIELSEN, Board Member
MICHAEL VANVOORHIS, Board Member
VAN VU, Board Member
DIANE WOOD, Board Member

COUNCIL LIAISON
PAT BURNS, Councilmember Liaison
GRACEY VAN DER MARK, Councilmember Liaison

STAFF
SCOTT HABERLE, Fire Chief
KEVIN JUSTEN, Senior Management Analyst

CALLED TO ORDER

Schauppner called the meeting to order at 5:00 PM.

PLEDGE OF ALLEGIANCE

Led by Nielsen.

ROLL CALL

Commissioners Present: Milligan, Nielsen, Schauppner, Vu, Wood

Commissioners Absent: Larkin, VanVoorhis

Council Liaisons Present: None

Staff Present: Haberle, Justen, West

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

- A) Approval of Meeting Minutes – September 28, 2023

MOTION: A motion was made by Milligan, seconded by Nielsen, to approve the September 28, 2023 meeting minutes.

The motion carried by the following vote, 5-0:

AYES: Milligan, Nielsen, Schauppner, Vu, Wood

NOES: None

COMMITTEE REPORTS

1. *Vessels and Watercraft Ad Hoc Committee*

Schauppner provided a report for the Vessels and Watercraft Ad Hoc Committee.

2. *Water Quality Ad Hoc Committee*

Nielsen provided a report for the Water Quality Ad Hoc Committee.

3. *Policy Ad Hoc Committee*

Vu provided a report for the Policy Ad Hoc Committee.

4. *Infrastructure Ad Hoc Committee*

Schauppner provided a report for the Infrastructure Ad Hoc Committee.

ADMINISTRATIVE ITEMS

1. *Harbour Commission Staff Assistance/role of Staff Liaisons*

Haberle explained the role of board, commission and committee staff liaisons and went over procedures for Commissioners requesting staff assistance.

2. *Harbour Commission Ad Hoc Committee Parameters*

Haberle explained the parameters for the establishment and use of Commission ad hoc Committees. He handed out the attached memorandum from July 27, 2023 regarding the realigning of Harbour Commission duties and initiatives and the establishment of four (4) ad hoc committees, with duties aligned to those specified in Section 2.65.055 of the Municipal Code.

STAFF COMMENTS

West announced that at the end of November Orange County Sheriff's Department employees

will participate in an offshore joint rescue training with the Coast Guard, City of Huntington Beach Marine Safety staff and City of Seal Beach employees.

MEMBER COMMENTS

Wood expressed interest in initiatives for improving water quality, such as Eel Grass and Oyster restoration. She spoke to area 501(c)(3) organizations who said they could be interested in joint efforts for this type of project. Haberle said that an agenda item could be included for the next meeting, but it is important that thought be given ahead of time to determine the parameters of the initiative. Schauppner said he would provide language for the agenda item. He also asked that the November and December meetings be combined and rescheduled to early December. Justen said that he would reschedule accordingly.

ADJOURNMENT

MOTION: A motion was made by Vu, seconded by Schauppner, at 5:55 p.m. to adjourn to a meeting to be scheduled for some time in December 2023.

The motion carried by the following vote, 5-0:

AYES: Milligan, Nielsen, Schauppner, Vu, Wood

NOES: None

The next regularly meeting of the Harbour Commission will be scheduled for a time and location in December 2023 to be announced.



HUNTINGTON BEACH FIRE DEPARTMENT

2000 Main Street
California 92648

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Scott M. Haberle
Fire Chief

TO: Harbour Commission

FROM: Scott M. Haberle, Fire Chief

DATE: July 27, 2023

SUBJECT: Duties and Responsibilities of Harbour Commission Ad Hoc Committees

As a follow-up to recent meetings with Harbour Commissioners regarding the realigning of duties and initiatives, I am proposing that the following ad hoc committees be formed:

Vessels and Watercraft Ad Hoc Committee

Term – Not to exceed 6 months

Assignment: This committee will advise the Harbour Commission on matters pertaining to waterway safety and the use, control and operation of vessels and watercraft within the Harbour. Their assignment will be to provide a policy recommendation to the City Council for the Harbour Commission to consider regarding personal watercraft usage in the small boat channel adjacent to Naval Weapons Station Seal Beach.

Water Quality Ad Hoc Committee

Term – Not to exceed 6 months

Assignment: This Committee will advise the Harbour Commission on matters regarding water quality in Huntington Harbour. Their assignment will be to evaluate and provide recommendations on the purchase and implementation of a waterborne trash collection system in Huntington Harbour.

Policy Ad Hoc Committee

Term – Not to exceed 6 months

Assignment: This Committee will advise the Harbour Commission on matters relating to Municipal Code amendments, cooperation with other governmental agencies and civic groups, and any potential areas of financial support for the Harbour, its beaches, parks and recreational needs. Their assignment will be to review current Harbour municipal codes and advise the City Council on any changes or updates needed regarding Harbour safety, water quality, or other related areas.

Duties and Responsibilities of Harbour Commission Ad Hoc Committees

Infrastructure Ad Hoc Committee

Term – Not to exceed 6 months

Assignment: This Committee will advise the Harbour Commission on issues related to general infrastructure (seawalls, pier headlines, bulkheads, etc.), operational needs, long-range planning for capital improvements in the Harbour and dredging priorities. Their assignment will be to work with OC Parks and Public Works, City of Huntington Beach Public Works and related agencies to develop a recommendation to City Council regarding a plan to reduce upstream pollution flowing into the Huntington Beach watershed from upstream neighbors. The work of this Committee will correspond to that of the citywide Infrastructure Technical Committee.

The establishment of these ad hoc committees will be considered at the July 27, 2023 meeting.

It should also be noted that a subcommittee is not necessary for policy recommendations if the Harbour Commission has enough information to make an informed decision.

For your reference, Attachment 1 includes a breakdown of Harbour Commission duties and responsibilities, as outlined in Section 2.65.055 of the Municipal Code. Attachment 2 is a Brown Act reference guide for committees.

SMH/kj

Attachments



Municipal Code 2.65 Harbour Commission

2.65.055 Duties and Responsibilities

Primary Capacity:

The Harbour Commission shall act in an advisory capacity to the City Council on matters pertaining to the Huntington Beach Harbour, its beaches, facilities, and parks.

Primary Role:

- *The primary role of the Harbour Commission is to advise City Council concerning Waterway Safety, General Infrastructure (e.g., seawalls, pier headlines, bulk heads, etc.), Water Quality and Municipal Code Amendments.*
- *The Harbour Commission shall cooperate with other governmental agencies and civic groups in the advancement of the Huntington Harbour and recreational planning under the direction of the City Council.*
- *Harbour Commissioners may study, report and analyze issues regarding the Huntington Harbour and may assist in securing financial support for the Huntington Harbour, its beaches, parks and recreational needs.*
- *The Harbour Commission may advise City Council on current operational needs and long-range plans for City proposed capital improvement in the Huntington Harbour.*
- *In addition, the Harbour Commission shall advise the City Council on any other matters concerning the Huntington Harbour when so requested by Council.*
 - *The Harbour Commission may advise the City Council on proposed Huntington Harbour related improvements;*
 - *Make recommendations to City Council for adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Huntington Harbour;*
 - *Advise the City Council on implementation of dredging priorities;*
 - *Advise City Council on matters pertaining to the use, control, and operation of vessels and watercraft within the Huntington Harbour;*
 - *Make recommendations to the City Council concerning the acquisition, disposition, or repair of equipment, facilities, materials, and supplies relating to the Huntington Harbour.*

BROWN ACT GUIDELINES FOR COMMITTEES

LEGAL GUIDELINES

The Ralph M. Brown Act ("Brown Act") (Govt. Code § 54950 *et seq.*) open meeting requirements apply to all "legislative bodies" as defined by the Brown Act. In addition to the governing body of a local agency, the term "legislative body" includes committees of the governing board, whether permanent or temporary, decision-making or advisory, created by resolution or formal action of the governing board. (Govt. Code § 54952 (b)) "Formal action" is not limited to a formal resolution or a formal vote by the body.

Exception:

Advisory committees composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies. (Govt. Code § 54952(b))

Limitation:

This exception does not apply to standing committees, regardless of composition, which:

- Have continuing subject matter jurisdiction (e.g. budget, finance), or
- A meeting schedule fixed by charter, ordinance, resolution or formal action of the legislative body. (Govt. Code § 54952(b))

LEGAL IMPORTANCE

Committees that fall within the Brown Act's definition of a "legislative body", and not subject to the limited exception, must fully comply with the Brown Act.

EXAMPLES

A charter school Board of Directors composed of five (5) members creates the following committees:

- An advisory committee composed three (3) Board members. This committee is composed of a quorum of Board members and must comply with Brown Act as it does not fall within the limited exception.
- An advisory committee comprised of two (2) Board members for the purpose of overseeing the creation of a budget. This committee is composed of less than a quorum, but is a standing committee which is subject to the Brown Act's requirements because it has continuing jurisdiction over the budget.
- An advisory committee comprised of two (2) Board members for the purpose of creating a report in six months on the effectiveness of new school policy. This committee is an exempt advisory committee because it is composed of less than a quorum of Board members and it is not a standing committee since it is charged with accomplishing a specific task in a short period of time. (e.g. a limited term ad hoc committee).
- An advisory committee comprised of two (2) Board members to meet on the first Monday of each month pursuant to a Board resolution. This committee is subject to the Brown act as a standing committee since its meeting schedule is fixed by the Board of Directors.