



MEETING MINUTES

HARBOR COMMISSION

**Thursday, February 25, 2021
Room B8, Lower Level
2000 Main Street
Huntington Beach, CA 92648**

**WILLIAM LARKIN, Chair
MICHAEL VAN VOORHIS, Vice Chair
BRIAN GRILEY, Board Member
KIMBERLEY MILLIGAN, Board Member
CHRIS NIELSEN, Board Member
JOHN OCHS, Board Member
CRAIG SCHAUPPNER, Board Member**

COUNCIL LIAISONS

**TITO ORTIZ, Councilmember Liaison
ERIK PETERSON, Councilmember Liaison**

STAFF

**SCOTT HABERLE, Fire Chief
ERIC MCCOY, Fire Division Chief
KEVIN JUSTEN, Senior Administrative Analyst**

CALLED TO ORDER

Van Voorhis called the meeting to order at 5:15 PM.

PLEDGE OF ALLEGIANCE

Led by Schauppner

ROLL CALL

Present: Griley, Nielsen, Ochs, Schauppner, Van Voorhis
Absent: Larkin, Milligan

Staff Present: Scott Haberle, Eric McCoy, Kevin Justen, Mike Bartlett, Jimmy Hoang, Jim Merid, Terry Tintle, Kenneth Waldecker, Ashley Wysocki

PUBLIC COMMENTS

There was one public comments from Wade Womack, which included an attachment. Mr. Womack's

email and the document he provided are attached.

PRESENTATIONS

There were no presentations.

CONSENT ITEMS

- A) Approval of Meeting Minutes – November 19, 2020

MOTION: A motion was made by Ochs, seconded by Schauppner, to approve meeting minutes dated November 19, 2020.

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

AYES: Griley, Nielsen, Ochs, Schauppner, Van Voorhis

NOES: None

INFORMATIONAL ITEMS

- A) Oath of Office

Justen administered the Oath of Office to Commissioner Griley.

- B) Harbor Report

McCoy provided the Harbor Report in a PowerPoint presentation. It highlighted current Harbor projects, staffing enhancements and the schedule of Marine Safety Division personnel working in the Harbor, a report on the recently installed swim lines, a water quality report, information on container ships off of the coast, a summary of major incidents, an update on code enforcement efforts, and a report on short-term rentals. The recently developed public service announcement on boat safety was also shown and can be accessed at:

<https://m.youtube.com/watch?v=OSLpey2GBdM&feature=youtu.be>. Ochs complimented staff on the installation of the swim lines.

- C) Public Works Update

The public works report was provided by Environmental Services Manager Jim Merid and Beach Operations Supervisor Terry Tintle. It was very detailed and included an update on current capital improvement projects in the Harbor area, mitigation of storm channel and Harbor debris, routine maintenance activities, and a recap of the response to the December 28-January 1 storm event. Nielsen expressed concern about the current design of bridge railings, which are often used as a platform for bridge jumpers, and asked if there will be any change to railings for new bridges. He also suggested that the design of the Davenport Bridge be looked at as an example of a design that helps prevent jumping. Griley agreed with this sentiment. Merid said that the Davenport design will be evaluated and noted that the relocation of water lines on bridges is also being evaluated since they are also used as jumping platforms. Schauppner asked how far back the data compiled by the vendor who cleans up debris in the Harbor goes and if it can be provided to the Commissioners. Tintle said he would check with the vendor and, if available, will provide it. Schauppner also asked if there has been a resolution of issues related to the boom on Edinger Avenue. Tintle said there is not a full determination at this time and noted that some officials disagree regarding its effectiveness in preventing debris flow into the Harbor. Merid said it was removed because staff could not find an agreement authorizing its installation at this location. He stated that booms are often not effective in preventing debris flow and that upstream cities at the point of origin implementing more aggressive measures would help to reduce debris flow. Van Voorhis recommended that a meeting be scheduled with the new Orange County Second District Supervisor during March to begin to collaborate on this issue.

D) RFP Updates – SUP and Harbor Salvage

Wysocki provided an update on the Stand Up Paddleboard (SUP) RFP process, including timeframes. The RFP was released on February 1st and the contract award is anticipated for March 31st.

E) Adoption of Harbor Commission Strategic Plan

Haberle presented the final version of the Harbor Commission Strategic Plan and recommended its adoption.

MOTION: A motion was made by Van Voorhis, seconded by Nielsen, to adopt the Harbor Commission Strategic Plan.

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

AYES: Griley, Nielsen, Ochs, Schauppner, Van Voorhis

NOES: None

F) Scheduling of Harbor Commission Presentations and Reports

Haberle recommended that the monthly presentations and reports identified by Commissioners in the Strategic Planning Workshop should be provided according to scheduling availability. Schauppner recommended that a representative from the naval Weapons Stations should provide a presentation on their current project as soon as in-person Commission meetings resume. Van Voorhis also stated interest in this presentation.

G) City of Huntington Beach Code of Ethics – Review and Acknowledgement

Justen informed the Commission that he would be following up on the City of Huntington Beach Code of Ethics acknowledgement that all Commission Members are required to sign. Thus far, three of the Commissioners have submitted their acknowledgements.

STAFF COMMENTS

There were no staff comments.

COMMISSIONER COMMENTS

Van Voorhis said that Larkin requested that Commission members be provided copies of a staff roster with phone numbers and emails so they would know who to contact on various issues. Haberle said one would be provided that also includes areas of responsibility.

Van Voorhis stated that the Navy Weapons Station navigational aids can be confusing for boaters that are not familiar with the area and said that better signage and placement of buoys is needed. Haberle said that staff has a Navy contact and we would get in touch with him regarding this issue.

Commissioners also asked about beach parking passes and Justen said that he would be contacting them next week and forwarding the passes. He will also be following up with Commissioners who have not submitted their acknowledgement of receipt form for City of Huntington Beach Code of Ethics.

Schauppner said Larkin noted that the digital updates to navigational charts performed by the National Oceanic and Atmospheric Administration (NOAA) are sometimes dated and boaters need to be careful when using them.

ADJOURNMENT

A motion was made by Schauppner and seconded by Van Voorhis at 6:26 p.m. adjourn to the March 25, 2021.

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

AYES: Griley, Nielsen, Ochs, Schauppner, Van Voorhis
NOES: None

The next regularly scheduled meeting of the Harbor Commission is on Thursday, March 25, 2021 at 5:00 PM in meeting room B-8, lower level of the Civic Center, Huntington Beach, California.

Justen, Kevin

From: Wade Womack <wade@orangecoastla.com>
Sent: Thursday, February 25, 2021 9:43 AM
To: Justen, Kevin
Subject: For public comment at tonight's Harbor Commission meeting, non-agenda item
Attachments: HB OCLAFCO attachment.pdf

Dear Mr. Justen,

Please provide the 150 word comment below to the Harbor Commissioners and staff for tonight's Harbor Commission meeting. Please forward the attached 5 page informational pdf to the commissioners and staff as well. There is no need to read them aloud.

Thank you,

Wade Womack

949-292-1165

Dear Honorable Commissioners,

Congratulations regarding the new harbor entrance! This designated public entrance will lead to greater enjoyment for all harbor users.

HB residents have taken significant interest in the management of Huntington Harbor. This led to the City creating a Harbor Commission, staffing Harbor lifeguard towers and patrolling the harbor to have better local control.

Please find the attached update regarding the pending OCLAFCO harbor patrol study in Newport. NB believes it can provide a cost efficient/effective harbor patrol in Newport given County Parks staff Harbor Patrol with expensive Sheriff deputies costing taxpayers \$300k per year each.

The City of Huntington Beach can run a more cost efficient/effective Harbor Patrol subsidized County Harbor Funds, saving taxpayers millions.

Are Harbor Commissioners interested in participating in the OCLAFCO study of County Harbors Beaches and Parks which occurs once every decade?

Sincerely,

Wade Womack

Former Christiana Bay and Trinidad Island Resident

4th CYCLE OF SPHERE OF INFLUENCE AND MUNICIPAL SERVICE REVIEWS

At the end of last year, the City of Newport Beach filed an application requesting the preparation of a municipal service review to analyze the provision of harbor patrol services and potential alternative service delivery options within the Newport Beach Harbor. Currently, harbor patrol services are provided by the Orange County Sheriff Department. Funding of these services is currently provided and administered by the County's Harbors, Beaches, and Parks Department. It is anticipated that the MSR will be completed by early Summer.



Paragraph above from Orange County Local Agency Formation Commission workflow document (14th page of PDF located at the URL below)

http://oclafco.org/wp-content/uploads/2021/02/EntireAgenda_February_2021.pdf

Perhaps the City of HB would like to annex Sunset Aquatic Marina (from County Parks) given it abuts HB and the property generates approximately \$800k in net profit on a no-hassle type NNN lease. Safety response to this property is inefficient/ineffective with police responding from Seal Beach and Fire from County.

The County generally leans in favor of shedding outlier County properties (such as this) to local jurisdictions.



December 17, 2020

Submitted via email to: cjacobs@newportbeachca.gov

Carol Jacobs, Assistant City Manager
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

RE: Support for the Newport Beach Harbor Patrol Study

Dear Ms. Jacobs:

Friends of Harbors, Beaches and Parks (FHBP) is an Orange County nonprofit organization working to protect natural lands, waterways, and beaches. We formed in 1997, after the reorganization of County government in 1996-1997 in the wake of the loss of funds through state reallocations and the County bankruptcy. **We are writing to express our support for the City of Newport Beach's consideration of taking over Harbor Patrol operations in Newport Harbor.**

We understand that Orange County Local Agency Formation Commission (LAFCO) is conducting a Municipal Service Review (MSR) for County Service Area (CSA) 26. CSA 26 provides harbor patrol operations in Newport, Huntington, and Dana Point harbors, which are administered by the Orange County's Sheriff's Office. MSRs are subject to updates every five years. The previous MSR for this area was completed in 2006, so we are pleased to see this review finally taking place given our concerns about how the funding is allocated.

Knowing that the Request for Proposals is coming up, as well as the study and analysis of how CSA 26 is being managed, we wanted to express our support for the City's engagement on this important issue. It is our understanding that the City of Newport Beach is considering submitting a proposal so that it can take on the Harbor Patrol within its jurisdiction. FHBP supports the City taking over these responsibilities in the Newport Harbor. There is no need to duplicate and have taxpayers pay twice for the same duties.

Should you have any questions, please reach out, but know that we are following the process closely with LAFCO.

Sincerely,

Michael Wellborn
President

Excerpt from Cal Policy article found here: <https://californiapolicycenter.org/public-safety-compensation-and-public-safety/>

With respect to law enforcement, an example can be found in Newport Beach, where the issue is whether or not their harbor patrol requires deputy sheriffs, or if those services can be more efficiently performed by local law enforcement and city harbor patrol personnel. The financial impact of this choice is significant.

Using data available on [Transparent California](#), according to analysis performed by local residents who know the names of the deployed personnel and could look each of them up individually, Harbor Patrol Officers and Harbor service workers earned, on average, total compensation in 2018 of \$61,176. Even the park rangers employed by Newport Beach, which have “limited peace officer” status (including the power to make arrests) only averaged \$84,740 in total compensation. This figure includes everything, base salary, overtime pay, current benefits and the employer’s pension payment.

By contrast, the same analysis showed the average total compensation of Orange County Harbor Patrol Officers assigned to Newport Harbor in 2018 was \$291,571. Despite this amazing disparity in compensation, there is a strong case that the services of these Orange County Sheriffs are not required in Newport Harbor.

These figures are clearly debatable. Because most of California’s cities and counties (including Orange County) no longer include in their reports to Transparent California (or to the State Controller) a per employee cost of paying down their unfunded liability, Transparent California adds in their own estimate of that cost. In the case of Orange County, the [unfunded liability is now \\$5.4 billion](#). Since continuing to fund and pay pensions depends on covering that liability, it’s hard to argue it doesn’t constitute part of total compensation. Also not added in these reports is the present value of the eventual cost for retiree health benefits.

Despite the particulars of this case, however, these personnel policies deserve urgent debate. Should sheriff deputies perform routine inspections and write up minor infractions? Should firefighters respond to medical emergencies? Why, when qualified specialists, often from private firms, can do this work just as well for less money?

Proponents of replacing county sheriffs with local employees make the following arguments. First, as documented by Frank Kim, the Executive Officer of Orange County, in a memorandum to the Board of Supervisors in August, 2018, only 3 percent of “hours spent in response to calls” in Newport Harbor were for criminal activities.” This means that 97 percent of the calls could have been handled by harbor service workers or limited peace officers employed by the City of Newport Beach at far less cost.

Another objection to replacing county sheriffs with local services is that the sheriffs “handle issues in the harbor, outside the harbor, and homeland security,” which supposedly means “the taxpayer is getting a bargain.” But in reality the Coast Guard, which berths a Coast Guard Cutter in Newport Harbor, is responsible for homeland security inside and outside the harbor.

As for other issues that may arise outside the harbor, such as assists for broken down vessels and sea tows, there are third party private companies that can (and do) handle calls for services outside the harbor. Moreover, the City of Newport Beach keeps three rescue boats outside the harbor during peak hours to handle any immediate shoreline calls.

Finally, there remains those 3 percent of calls that are for criminal activities, and clearly some of these criminal activities will involve situations that rangers with “limited peace officer” status will not be trained and equipped to handle. But the City of Newport Beach, at all times, has police officers stationed around the perimeter of the

harbor. When very serious law enforcement issues arise, the City Harbor Patrol can simply pick up one or more of these police officers from the nearest dock to assist.

One barrier to pursuing more cost effective solutions to harbor services in Newport Beach is the fact that the Harbor Patrol Budget is funded by Orange County Parks, and is not part of the annual \$700 million Orange County Sheriff's budget. This takes away some of the incentive for the Sheriff's agency to support more cost effective solutions. It is therefore up to the Orange County Supervisors to determine whether or not they can restore millions to their park budget by directing it to reimburse the City of Newport Beach for harbor security instead of continuing to pay the sheriff's department for more expensive services.

Edward Ring is a co-founder of the California Policy Center and served as its first president. This article originally appeared in the [California Globe](#).