



## **MEETING MINUTES**

### **HARBOUR COMMISSION**

**Thursday, August 25, 2022  
Room B8, Lower Level  
2000 Main Street  
Huntington Beach, CA 92648**

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

### **COUNCIL LIAISON**

ERIK PETERSON, Councilmember Liaison  
MIKE POSEY, Councilmember Liaison

### **STAFF**

SCOTT HABERLE, Fire Chief  
ERIC DIETERMAN, Marine Safety Battalion Chief  
BONNIE TO, Principal Administrative Analyst  
KEVIN JUSTEN, Senior Administrative Analyst

### **CALLED TO ORDER**

VanVoorhis called the meeting to order at 5:01 PM.

### **PLEDGE OF ALLEGIANCE**

Led by Nielsen

### **ROLL CALL**

City Council Member Present: Posey

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

Commissioners Absent: Larkin

Staff Present: Eric McCoy, Eric Dieterman, Bonnie To, Kevin Justen, Ashley Wysocki, Shawn White, Terry Tintle, Jimmy Hoang, Devin Michaelis, Chuck Johnson,

## PUBLIC COMMENTS

There were no public comments.

## CONSENT ITEMS

- A) Approval of Meeting Minutes – July 28, 2022

**MOTION:** A motion was made by Nielsen, seconded by Schauppner to approve meeting minutes dated July 28, 2022.

The motion carried by the following vote, 6-0:

AYES: Milligan, Nielsen, Schauppner, VanVoorhis, Vu, Wood

NOES: None

## SPECIAL REPORTS/PRESENTATIONS

- A) Presentation: Ralph M. Brown Act Requirements for Public Meetings, *Mike Vigliotta, Chief Assistant City Attorney, City of Huntington Beach*

Chief Assistant City Attorney Mike Vigliotta provided an overview of the Ralph M. Brown Act and its requirements for public meetings. Attorney Vigliotta said that the City Attorney's Office usually provides an hour long training on the requirements of this law, but at this time he wanted to provide an abridged version of it. He started by saying that it is part of the *Sunshine Laws* in California, which are intended to provide transparency in government. Its basic requirements include that all legislative acts of a government body be open to the public. This includes providing an opportunity for the public to know ahead of time that a meeting will take place. It stipulates a 72 hour posting requirement for agendas. During the meeting the governing body can only discuss items that are included on the agenda. The Brown Act also prohibits *serial meetings*, which are meetings that are not agenzized, but include a quorum of the members discussing topics related to the area of responsibility of that body. Vu asked about social events and Attorney Vigliotta said that this would be one of the areas of exception to the Brown Act. Others include ceremonial events and seminars. Schauppner asked about Ad Hoc Committee requirements. Attorney Vigliotta said that they are limited to a group of less than a quorum and are appointed to deal with a specific issue. They must also have a specified end date after they report back on the area of assignment. If it is ongoing it is a *standing committee*, which is subject to the requirements of the Brown Act. VanVoorhis asked about the Public Safety Ad Hoc Committee and Vigliotta emphasized that it must have a specific objective to accomplish and an end date. He added that the serial meeting requirements also apply to electronic communications and telephone calls. Vu asked when end dates for ad hoc committees are established and if there is a maximum time, such as a year. Attorney Vigliotta responded that there is no set time limit but the purpose and timeframe should be established when the committee is established. He added that they usually have purposes that are accomplished within a short amount of time. Van Voorhis asked how Commissioners can be advised about these matters and Justen said that, as with all other Commissioner requests, they should go

through the staff liaison, who will arrange follow-up and track the request. Schauppner asked how tangential ideas that come up during a meeting can be agendized. Vigliotta said that such items should be brought back on subsequent agendas. VanVoorhis asked what can be discussed under *Commissioner Comments*. Vigliotta stated that the Brown Act allows for brief comments, but if a Commissioner would like to have a substantive discussion about a topic it should be scheduled for a future agenda. Council Member Posey recommended the League of Cities resource on this, which is titled *Open & Public: A Guide to the Ralph M. Brown Act*. It is included on their website. Schauppner asked about the consequences of violating the Brown Act and Vigliotta said it is a criminal act, subject to prosecution. He said what usually happens is that a member of the public brings a lawsuit and if the court determines that the Act was violated it then makes the governing body's action null and void. Justen offered to provide Commissioners the League's resource and VanVoorhis agreed that this would be a good idea. Justen asked Vigliotta if he would be willing to have a meeting with Commissioner Larkin, who could not make the meeting, and he said he would.

## ADMINISTRATIVE ITEMS

### A) Harbour Report

Dieterman provided the Harbour Report, which included updates on water quality and the Marine Safety Division response statistics for August 2022. He noted that although there have been a number of incidents of bridge jumping, this should reduce as summer ends and students go back to school. Justen provided an update on changes to the Harbour Commission website since the last meeting. He noted that a lot of things have been developed that allow better and faster communication. These include the Harbour Commission website, the City's social media presence, appointment of a Community Relations Manager, etc. VanVoorhis asked if Justen knows the number of people visiting the website. Justen responded that once the site was established an evaluation was done that determined that the site had close to 1,000 visits and visitors were staying an average of two minutes. However, although a more recent assessment has not been done, the site includes additional resources and is probably getting more visits than when it was launched. White reported that there were two incidents of residential burglary in the Harbour area since the last meeting, one on August 17<sup>th</sup> and one on August 19<sup>th</sup>. The one on the 17<sup>th</sup> was unsuccessful due to the resident being home and the one on the 19<sup>th</sup> resulted in a loss of approximately \$300,000. He also announced that the Sunset Beach Community Association is sponsoring a Neighborhood Watch meeting on September 1<sup>st</sup>. He will be in attendance. White said that the new Police Department helicopters will arrive in November and a second K-9 is being added to the Department. These resources will help with burglary investigations.

### B) Harbour Commission Strategic Plan

Dieterman provided a detailed update on all strategic plan objectives, including where each one is in relation to the specified timeframes. Hoang explained the updating of the portions of the Municipal Code related to the Harbour. Schauppner asked about the overall process, including timeframe and Hoang said that after input is received from Commissioners the proposed changes would be drafted and if this is completed by March it should go to the City Council in May. Wysocki noted that the new City Manager wants to take all Municipal Code updates to City Council at once, which could require additional time. Justen pointed out that the Harbour Commission Strategic Plan was adopted prior to the appointment of the new City Manager and his direction to update the entire code. He said that although this could extend the timeframe for updating the portions related to the Harbour, it is a more comprehensive approach. Nielsen

asked about the chapter that applies to the Harbour and Justen confirmed that it is Chapter 13.32. Under the initiative for promoting community and social events for the Harbour, Commissioner Wood provided an update on the delivery of donated surplus fire equipment to a community in Baja Sur, Mexico. The trip involves 35 boats and departs in October.

## COMMITTEE REPORT

### A) Public Safety Ad Hoc Committee

VanVoorhis recommended that a timeframe be assigned to the Public Safety Ad Hoc Committee.

**MOTION:** A motion was made by VanVoorhis and seconded by Milligan to assign an expiration date to the Public Safety Ad Hoc Committee of December 31, 2022. He then amended his motion to include that at the January 2023 meeting the Public Safety Ad Hoc Committee provide recommendations on whether the Committee should continue, a Standing Committee be established, public safety be a standing item on the agenda, or another approach be taken to address public safety concerns in the Harbour area. His amended motion was seconded by Schauppner.

The motion carried by the following vote, 6-0:

AYES: Milligan, Nielsen, Schauppner, VanVoorhis, Vu, Wood

NOES: None

Commissioner Wood pointed out that there is a real need and interest in public safety matters in the Harbour area. Commissioner Vu said that the Police Department, Fire and Marine Safety have done a great job in addressing these issues in the Harbour and the community is very appreciative of their work. He asked if the Harbour Commission website should include public safety information. Justen said that this is the Police Department's area, but he would follow up with White to determine if this type of information can be included on the site.

## STAFF COMMENTS

Justen announced that at its September 20, 2022 meeting the City Council will be presenting Certificates of Appreciation to Mel Williams and Lisa Rudy for their work to improve public safety in the Huntington Harbour area. He said he will provide the Council agenda to Commissioners the week prior to the presentation. He also showed the Commission a brochure on permissible and restricted election activities. It is being provided to all members of City boards and commissions and he will be sending it to Harbour Commissioners electronically. Justen also thanked those Commissioners who have completed their ethics training and said that only three are pending. They should be completed before the end of September. Wysocki said she will be reporting on the Stand up Paddle Board (SUP) agreements at the September meeting.

## COMMISSIONER COMMENTS

Commissioner Wood said that she received a phone call from a member of the Public Works Department asking about the Harbour HOA. She referred him to Justen. She also asked Johnson if it would be okay if she visited the Sheriff's facility in the Harbour. Johnson encouraged her to do so. VanVoorhis reported on a code enforcement request he made regarding the lot adjacent to his property and said Hoang and his staff responded immediately to

address the problem. He thanked them for their great work. Van Voorhis also announced that the Sunset Beach Community Association will be sponsoring a candidates forum on September 22, 2022. It will take place at 7:30 p.m. at the Sunset Beach Community Center on 12<sup>th</sup> Street. Vu said that he will be sworn in as the President of the Kiwanis Club on September 24, 2022 at 5 p.m. at the Hilton Hotel.

## ADJOURNMENT

**MOTION:** A motion was made by Vu and seconded by Milligan at 6:05 p.m. to adjourn to the September 22, 2022 meeting.

The motion carried by the following vote, 6-0:

AYES: Milligan, Nielsen, Schauppner, VanVoorhis, Vu, Wood

NOES: None

The next regularly scheduled meeting of the Harbour Commission will be scheduled for September 22, 2022 and will be held at a location to be announced.