

June 10, 2020, Harbor Commission Agenda Comments

The following comments on items on the Newport Beach Harbor Commission agenda are submitted by:
Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item 5.1. Minutes of March 11, 2020 Harbor Commission Regular Meeting

Suggested corrections: The passages shown in *italics* below are from the draft minutes with suggested corrections indicated in **strikeout underline** format. The page numbers refer to those in the minutes (as opposed to the staff report).

Page 4, paragraph 2, last sentence: "*In a few instances, boaters or permittees have been angry, but staff has managed to ~~diffuse~~ defuse conflicts without assistance.*"

Page 5, paragraph 6, last sentence: "*He was puzzled by a substantive change included in the revisions to Title 17 that requires a special event permit to fasten a vessel pursuant to Section 17.25.10.*"

Note: this comment by me may have been based on too hasty reading of the code. The special event permit (mentioned in [17.25.010.A.2](#)) is required not for tying boats to piers (including, by definition, the associated floats as well as, possibly, moorings), but to tying a boat *to a boat already tied* to a pier. In any event, I suspect it is a regulation frequently ignored.

Page 6, Functional Area 1, sentence 2: "*The ad hoc committee hopes to provide recommendations for commercial dock encroachments at the next Harbor Commission meeting.*"

Note: I don't see such an item on the present agenda. Closed sessions regarding settlement of a dispute regarding this issue have been on numerous recent City Council agendas, including that for [June 9](#) (see III.A on page 2)

Page 6, Functional Area 5, sentence 3: "*Assistant City Manager Jacobs added that staff will meet with Harbor Commissioners and PB&R Commissioners separately prior to the two meeting jointly.*"

Page 6, last line: "*Chair Blank stated the setting of fees is not within the Harbor Commission's purview.*"

Comment: I do not share this sentiment. This may be technically true based on a reading of the Harbor Commission's powers and duties, which are stated in three places (enabling [Ordinance No. 2013-14](#), a little-remembered [Resolution No. 2017-4](#) and [Section 17.05.065](#) of the Municipal Code), but if so, one has to wonder why? Fee structures related to regulations, particularly for things like appeals, seem an integral part of those regulations.

Item 7.1. Harbor Commission 2020 Objectives

Page 37 of the staff report, caption: "*3. Harbor Infrastructure (Cunningham) - ~~Complete evaluation for establishing day moorings off Big Corona beach~~ Matters pertaining to Sea Walls, Sea Level Rise, Dredging, Docks, and Beaches.*"