



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 22, 2008
TO: Ordinance Committee
FROM: Administrative Division, Waterfront Department
SUBJECT: Assignment Of Twenty-Foot Slip Permits In Santa Barbara Harbor

RECOMMENDATION:

That Ordinance Committee forward a recommendation to City Council to approve an ordinance and resolution pertaining to the assignment of slip permits for twenty-foot slips through a twenty-foot slip lottery.

BACKGROUND:

In March 2005, City Council adopted an Ordinance and accompanying Resolution restructuring Waterfront Department procedures for assigning slips permits. As described in the Ordinance and Resolution, when a slip permit becomes available for which there are no interested applicants on either the Master Waiting List or Sub-Master List (a collapsed version of the Master Waiting List, in chronological order of application), the Waterfront utilizes a "Lottery List" to assign the slip permit.

DISCUSSION:

In August 2001, the Waterfront Department assigned the final twenty-foot slip permit to an applicant for that slip-size category on its Waiting List. Subsequent to that assignment, six twenty-foot slip permits have been returned to the City. In August 2005, following Council's approval of the new Slip Waiting List procedures, the Department began offering available twenty-foot slip permits to applicants on the Sub-Master Waiting List. Only one permit was accepted by an applicant on the Sub-Master List. In January 2007, the Department began offering available twenty-foot slip permits to all 34 applicants on the Lottery List (by ranking). Only one permit was accepted during this process, which concluded in January 2008. Four twenty-foot slip permits remain unassigned.

If available slip permits are declined by all members on the Lottery List, Municipal Code Section 17.20.005 (C) requires that the Department re-offer the slip permit assignments every six months. Staff believes that in the case of assigning twenty-foot slip permits from the Lottery List, this approach would not result in timely assignment of those slip permits. By adopting the proposed ordinance (and companion Resolution), Council would approve a process by which a separate, twenty-foot lottery can be undertaken for twenty-foot slip permits left unassigned from the Master Waiting List, Sub-Master Waiting List and Lottery List. This approach will broaden access to these small-vessel slips, helping the Department further provide in-water opportunity for small boats. The Department has had numerous inquiries from individuals wanting to know how they might obtain a twenty-foot slip permit.

BUDGET/FINANCIAL INFORMATION:

Assignment of the four outstanding twenty-foot slip permits by a separate lottery process (including application of a Lottery List Assignment Fee equal to the Department's Slip Transfer Fee—a current requirement of the Department's Waiting List policy) would result in a first-year revenue enhancement of \$22,566. Annual, ongoing slip-fee revenue from these berths would be approximately \$6,700.

CONCLUSION:

With adoption of the proposed Ordinance and Resolution, the Department could conduct a separate lottery for outstanding twenty-foot slip permits, expediting these assignments, providing better service to the boating public, utilizing available harbor berths and enhancing revenues. The Harbor Commission voted unanimously in favor of this approach at its February 2008 meeting.

ATTACHMENTS: 1. Draft Ordinance
2. Resolution Relating to Twenty-Foot Slip Assignment Process

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

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ORDINANCE COMMITTEE DRAFT
April 22, 2008
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING
SECTION 17.20.005 C PERTAINING TO
ASSIGNMENT OF SLIP PERMITS FOR
TWENTY FOOT SLIPS THROUGH A
TWENTY-FOOT SLIP LOTTERY.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES
ORDAIN AS FOLLOWS:

SECTION 1. Section 17.20.005 C of Chapter 17.20 of
Title 17 of the Santa Barbara Municipal Code is amended to
read as follows:

17.20.005 Slip Assignment Policy.

C. SLIP WAITING LISTS.

3. Lottery List. Any slip that remains unassigned
after being offered for assignment to the Master Waiting
List and Sub-Master Waiting List, or if the Sub-Master
Waiting List is depleted of applicants, shall be offered
for assignment to a Lottery List. The Lottery List shall
be comprised of applicants selected by lot by the Harbor
Commission Chair at a public meeting. Procedures for
formation of the Lottery List shall be established by the
Waterfront Department Slip Waiting Lists regulation adopted
by resolution of the City Council.

a. Procedure for Placement on the Lottery List.

(1) Qualification for Placement on the Lottery List. To qualify for placement on the Lottery List, all applicants must timely submit a Lottery List Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Lottery List Participation Request.

(2) Notification of Ranking and Potential Placement on Lottery List. Within five (5) business days after the Harbor Commission Lottery List drawing, the Waterfront Department shall mail notification to each applicant whose Lottery Participation Request was selected by the Harbor Commission of their ranking and potential placement on the Lottery List. Notification shall be provided by certified mail, return receipt requested, to the applicant at the address shown on the Lottery List Participation Request form. A Lottery List Acceptance Form shall accompany the notification. Applicants not selected for ranking in the Lottery List drawing shall be notified in writing that their Lottery List Participation Request was not selected. The Waterfront Department shall discard the Lottery List Participation Requests not selected.

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(3) Procedure to Accept Placement on the Lottery List.

(a) Within thirty (30) days of the date of mailing notification of Lottery List rankings, selected applicants ranked numbers one (1) through fifty (50) shall return the completed Lottery List Acceptance Form and the Lottery List Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required thirty (30) day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

(b) Should any applicant ranked numbers one (1) through fifty (50) fail timely return of the Lottery List Acceptance Form and the Lottery List Placement Fee, notification will be sent to the next-ranked applicant for potential placement on the Lottery List as provided by resolution of City Council. Any such applicant ranked numbers fifty-one (51) through seventy (70) offered potential placement on the Lottery List shall, within fourteen (14) days of the date of such mailing, return the completed Lottery List Acceptance Form and the Lottery List

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Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required fourteen (14) day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

b. Procedure For Slip Assignment to Lottery List Applicants. A slip that becomes available for assignment to the Lottery List shall be offered for assignment to applicants on the Lottery List according to their rank on the Lottery List. With the exception of assignments for twenty-foot slips, ~~if~~ a slip assignment offer is declined by all applicants on the Lottery List, the slip shall be held in the Waterfront Department's visitor-slip inventory for a period of six (6) months. After six (6) months, the slip assignment shall be re-offered individually to applicants on the Lottery List in the same order as the slip assignment was initially offered. If the slip remains unassigned after the re-offer, the procedure shall be repeated every six (6) months until the slip assignment offer is accepted. If all applicants on the Lottery List decline a slip assignment offer for a twenty-foot slip, the slip assignment for the twenty-foot slip shall be offered

for assignment through a separate twenty-foot lottery pursuant to City Council Resolution.

c. Procedure for Accepting or Declining a Slip Assignment Offer from the Lottery List.

(1) Acceptance of Slip Assignment Offer.

(a) Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within fourteen (14) days of the date of mailing the notice of slip availability. Acceptance must be submitted to the Waterfront Department in writing along with payment of a non-refundable Lottery List Assignment Fee as provided in Section C.4.b.(3) herein.

(b) An existing marina slip permittee who is offered a Lottery List slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a slip assignment from the Lottery List.

(2) Declined Lottery List Assignment Offer.

Failure of an applicant to accept a slip assignment offer in writing within fourteen (14) days of the date of mailing

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of such offer by the Waterfront Department and payment of the Lottery List Assignment Fee as provided in Section C.4.b.(3) herein shall be considered a declined offer. Declining a slip assignment offer will not result in removal of the applicant's name from the Lottery List, loss of the applicant's Lottery List Placement Fee, Lottery List Renewal Fee, or change in the applicant's position on the Lottery List.

d. Lottery List Eligibility. An applicant whose name is on the Master Slip Waiting List is not eligible for inclusion on the Lottery List.

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE PROCESS FOR ASSIGNMENT OF TWENTY-FOOT SLIP PERMITS IN SANTA BARBARA HARBOR

WHEREAS, City Council adopted Resolution No. 05-018 on March 2, 2005, Establishing Procedures for Conducting Lotteries to Create Waiting Lists for the Assignment of Harbor Slips, and;

WHEREAS, Section 17.20.005 C (3) b of the City of Santa Barbara Municipal Code requires that if a slip assignment offer is declined by all applicants on the Lottery List, the slip shall be held in the Waterfront Department's visitor-slip inventory for a period of six (6) months. After six (6) months, the slip assignment shall be re-offered individually to applicants on the Lottery List in the same order as the slip assignment was initially offered. If the slip remains unassigned after the re-offer, the procedure shall be repeated every six (6) months until the slip assignment offer is accepted; and

WHEREAS, Slip permits for twenty-foot slips remain unassigned for a longer time and are difficult to assign from the Lottery List; and

WHEREAS, The City wishes to expedite assignment of twenty-foot slip permits in order to serve the boating public and enhance Waterfront Department revenues.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA as follows:

The Waterfront Director, or his designated representative, is authorized to conduct a twenty-foot slip assignment lottery for twenty-foot slip permits anytime that an initial offering of such twenty foot slip permits through the Waterfront Department's Lottery List procedures results in one or more twenty foot slip permits remaining unassigned.

The following procedure shall be used to assign any unassigned twenty-foot slip permits:

A. PROCEDURE FOR ASSIGNING TWENTY-FOOT SLIP PERMITS BY TWENTY-FOOT LOTTERY.

Any twenty-foot slip permit that remains unassigned after being offered for assignment to the Master Waiting List, Sub-Master Waiting List and Lottery List shall be offered for assignment to an applicant established by lottery, procedures for which are described herein.

1. Lottery Participation Request. To participate in a lottery for a twenty-foot slip permit that may be utilized either for commercial or recreational purposes, an applicant must submit a completed Twenty-Foot Lottery Participation Request form to the Waterfront Department. Twenty-Foot Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. Twenty-Foot Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the twenty-foot lottery drawing. The opening date and duration of the time period for the submission of Twenty-Foot Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. An individual, family or domestic partner registered with the City Clerk's Office may submit not more than one Twenty-Foot Lottery Participation Request. At the conclusion of the time period for accepting Twenty-Foot Lottery Participation Requests, the Waterfront Department shall place all completed Twenty-Foot Lottery Participation Requests in a sealed folder ("Request Folder").

2. Lottery Ranking The ranking of Twenty-Foot Lottery Participants for assignment of a twenty-foot slip permit shall be established by a drawing of Twenty-Foot Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a regularly scheduled Harbor Commission meeting. At the meeting, the Harbor Commission Chair shall draw, by lot, all Twenty-Foot Lottery Participation Requests and rank them in the order they are drawn from the Request Folder.

3. Assignment Offers of Twenty-Foot Slip Permits. Available twenty-foot slip permits shall be offered to participants in the Twenty-Foot Lottery, by order of rank, until the assignment of all available twenty-foot slip permits is complete. If all twenty-foot slip permits are not assigned through this process, the Waterfront Department shall hold any unassigned slips in its visitor-slip inventory for a minimum of ninety (90) days, then shall conduct another twenty-foot lottery for the remaining 20-foot slip permits, pursuant to procedures established herein.

4. Existing Marina Slip Permittees. An existing slip permittee who is offered a twenty-foot slip permit assignment from the twenty-foot lottery shall relinquish the existing slip permit to the Waterfront Department prior to, and in exchange for, a slip assignment from the twenty-foot lottery.