



CITY OF SANTA BARBARA  
COUNCIL AGENDA REPORT

150.0480  
SEP 11 1984 #17

DATE: September 7, 1984  
TO: Mayor and Councilmembers  
FROM: Richard D. Thomas, City Administrator  
SUBJECT: GRAND JURY REPORT OF 1983-84

RECOMMENDATION:

That City Council:

- A. Approve the attached comments concerning the findings and recommendations of the 1983-84 Grand Jury in regard to the Santa Barbara Harbor.
- B. Direct that said comments be submitted to the presiding judge of the Superior Court and filed with the City Clerk of the City of Santa Barbara.

DISCUSSION:

It appears that the Penal Code Section 933 requires that the City Council comment on the attached Grand Jury report within 90 days from its filing. The attached report, compiled by the Waterfront department and concurred in by the Harbor Commission, addresses each comment in the Grand Jury report.

Most of the report has been overtaken by time and noted "deficiencies" have either been corrected, are being corrected as time and proper planning will allow, did not exist in the first place, or are not functions of the City of Santa Barbara.

Weaknesses of the report are that the Grant Jury did not contact all the responsible officials, and did not review their preliminary findings with the City Administrator or the Harbormaster to check on current status or validity. The Harbor Commission expressly desires that it be noted that they are concerned that no member of the Harbor Commission was ever contacted by the Grand Jury.

PREPARED BY: Paul D. Nefstead, Waterfront Director

REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney \_\_\_\_\_ Personnel \_\_\_\_\_

17. Grand Jury Report of 1983-84. Recommendation that City Council:
- A. approve the comments concerning the findings and recommendations of the 1983-84 Grand Jury in regard to the Santa Barbara Harbor; and
  - B. direct that said comments be submitted to the presiding judge of the Superior Court and filed with the City Clerk of the City of Santa Barbara.

\*\* Concurred with recommendations \*\*

Prepare Progress Report by \_\_\_\_\_

Other \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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## 1983-84 GRAND JURY REPORT

Following is a status and commentary on the subject report keyed to their format with their comments paraphrased or shortened to key elements for brevity.

### INTRODUCTION

Grand Jury: In the Grand Jury Report of 1981-82 "a number of recommendations have not been addressed by the city administration and harbor personnel".

City: The 1981-82 report had a stated objective of reviewing use of revenues and use of lands within the constraints of the Tidelands Grant Act. Audits were made by the State Lands Commission and several proposed policy changes were submitted to the State Lands Commission for review. To date the State Lands Commission has not responded. The City's proposals have been under their review for more than a year.

### PROCEDURES

Grand Jury: Made several visits and interviewed public plus Harbor-master and City Administrator.

City: The Grand Jury did not contact any member of the Harbor Commission nor the Waterfront Director. They also did not re-visit the Harbormaster or City Administrator at the conclusion to test their draft findings for validity.

### FINDINGS

Grand Jury: Harbor is in a deplorable condition. Dangerous. Exposed wiring. Power lines in water. Light fixtures not replaced. Fire hoses bad and not connected. Fire extinguishers missing or poor condition.

City: Marinas 3 & 4 were so badly damaged by the 1983 storms that they are being replaced in total. Interim repairs have made them safe, but not necessarily aesthetically pleasing. Marina 2 is scheduled to be re-decked. Staff is in the process of installing over 10,000 anchoring bolts in Marina 1. These three actions will make the marinas structurally sound.

There are two types of electrical outlet receptacles in the harbor and one is better than the other. Both are safe. When replacement is required, the better type is installed. Missing light fixtures have been replaced except on the breakwater walkway and these are scheduled for replacement when we rehabi-

litate this area this Fall or Winter.

Our major electrical safety problem was associated with the Navy Pier. This has been corrected with a total rewiring at a cost of more than \$16,000.

Fire hoses in Marina 1 were deteriorated by rot and while appearing good from visual inspection they could not withstand water pressure. These have all been replaced. They are also "routinely" disconnected by the public to use the hose bib for private purposes in washing down their boats and not reconnected. As discovered, these are corrected, but it is a continuing effort. Missing fire extinguishers are normally pilferage and are routinely replaced. (No corrective action other than simple replacement is feasible since the extinguishers must be readily accessible to be of value). The allegation of "poor condition" must refer to paint since each extinguisher is checked and recharged regularly.

Grand Jury: Animal regulations are not enforced.

City: During the last year 26 tickets were issued to owners, over 100 warnings issued, and 40 dogs sent to the Animal Shelter.

Grand Jury: Navigational aids are insufficient and lights hardly discernable.

City: This is a United States Coast Guard responsibility.

Grand Jury: Live aboards report emptying of bilge pumps at night.

City: One citation was issued during the past year. Enforcement of surreptitious violations is beyond staff capabilities and an increase is not recommended (see also Recommendation #3)

Grand Jury: Leases are not being handled on a fair and equitable basis. Some are for 10 years; some are month-to-month.

City: All leases are handled on a case by case basis by City staff, reviewed by the Harbor Commission and approved by the City Council. The length of any lease is normally directly related to the investment to be made by the tenant; the higher the investment the longer the time required to amortize such an investment. Month to month leases are either for no-investment tenants or hold-overs when a longer lease has expired and one party or the other cannot make a long term commitment. The most noteworthy lease in the Harbor is the Breakwater Restaurant lease where the City has been unwilling to make a long term commitment of the land to this use. A consultant study on this particular piece of real estate is nearing completion. Commission and Council may or may not be willing to make such a commitment after the study results are in and reviewed.

Grand Jury: Part of boat owners fees go to Police and Fire as does property tax. Boat owners subject to double taxation.

City: This is not correct. To date, no harbor revenues have gone to pay for police and fire protection. It should be noted that the City (General Fund) receives only about 3% of the miniscule property tax collected in the harbor.

Grand Jury: State law requires that all revenues raised within the Tidelands be expended within the Tidelands. It is doubtful that this is being done.

City: The City does comply with State law. This is a commonly recurring allegation that has been investigated and audited numerous times.

### RECOMMENDATIONS

1. Grand Jury: Prepare a master plan by qualified professionals.

City: A true master plan cannot be prepared until the question of Harbor Preservation (off-shore breakwater) is resolved. As an interim measure, we have initiated the first of a series of small area leasing studies to determine permitted and desirable uses within the context of existing constraints--notably the Local Coastal Plan and its implementing ordinance.

2. Grand Jury: Establish and promulgate regulations on live-aboards.

City: Regulations do exist in the form of ordinances and resolutions and are promulgated at the time and are available and used as necessary. Signing promulgates common problem areas such as relating to dogs, gates, etc. Since "live-aboards" are singled out, it is probable that the Grand Jury is hinting at life style problems rather than fees, charges, slip assignments, etc. (See Recommendation #3).

3. Grand Jury: Recommend standing orders for Harbor Patrol to check on live-aboards.

City: It is unclear whether the Grand Jury wants security checks to see that the live-aboards are safe and secure and at home or if they are concerned about surreptitious toilet flushing, parties or loud radios. In any event, we do not have resources to accomplish this, nor do we recommend adding such resources.

4. Grand Jury: Recommend a regular maintenance program be established with work orders and accountability for performance.

City: One did exist, a new one has been implemented and it represents a continuing and serious effort on the part of Water-front management. While perfection will never be achieved, it will remain as a goal. A recent innovation was the assignment of maintenance crew leaders to area responsibility so that one human staff member knows that all maintenance requirements in his marina are individually his and not shared by others. Work orders and work order follow-up have been in place for several years. Effectiveness of the follow-up is a measure of performance.

5. Grand Jury: Make a new slip assignment policy to preclude abuses.

City: Revisions to the current policy have been accomplished by staff and the Harbor Commission and are currently with the State Lands Commission for review and comment. This is a major issue in the Harbor and what the Grand Jury or others may consider "abuse" is considered a "right" by some. Since the value of a slip assignment is considerable, the City will proceed with care to insure all opinions are heard before changing existing policy.

6. Grand Jury: Special attention should be given to harbor improvements such as breakwater construction to eliminate constant sanding and dredging.

City: Since the construction of the breakwater in 1929, sanding and dredging have been given special attention by every Harbor Commission, every City Council and every Harbor staff. This will continue as long as the sand continues to migrate along the coast.

7. Grand Jury: Leasing practices with commercial businesses should be consistent and fair.

City: The underlying issue is really one of rent increases. No one wants to pay more rent and as leases expire, the tenant will equate "fair" with status quo, while the City will equate "fair" with fair market value in today's market. The recently approved "Harbor Leasing Policy" should alleviate some of the concern in that the rules are written and public.

8. Grand Jury: Recommend a complete fiscal and management audit of the Harbor and the Tidelands Trust Fund be conducted by State Lands Commission.

City: They have completed at least two financial reviews along with financial audits by outside auditors. A "management audit" has not been deemed necessary before but could be called for by the City Council if and when it is warranted.

9. Grand Jury: Recommend a special Harbor District be formed with five elected directors from Santa Barbara County.

City: Proliferation of governmental agencies and/or special districts is generally considered "bad" planning. When the State established the Local Agency Formation Commissions one of their major charges was the reduction and consolidation of such agencies and districts. "Home Rule" is an appealing concept, but leads to costly duplication of overhead elements and inefficient use of productive elements.

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**CONCLUSION:** The Grand Jury's points on maintenance can be attributed to the devastation inflicted by the 1983 storms. The magnitude of this devastation was so great that major planning and major funding decisions were and are required. Other issues such as live-aboards, slip assignment and sand management are continuing facts of life which defy solution and can be viewed with alarm by any outside group. The City's recommendations on boundaries, slip assignment and live-aboard issues are still under review by the State Lands Commission.