



STAFF REPORT

TO: Board of Commissioners

FROM: Suzy Watkins, Harbor Director

DATE: September 27, 2022

SUBJECT: **Port San Luis Code of Ordinances Review, Chapter 16 – Mooring Regulations**

Recommendation / Proposed Motion

Review and discuss Chapter 16 of the Port San Luis Code of Ordinances (the Code). Provide input to staff regarding administration of the Mooring Regulations. At this time, staff is only recommending updates to administrative documentation of mooring changes.

Policy Implications

Chapter 16 of the Code governs mooring, and water use within the jurisdiction of Port San Luis Harbor District.

District Major Objective/Goal

Objective #2 - Maintain and enhance a boater friendly atmosphere at PSL for both commercial and recreational boaters.

Fiscal Implications / Budget Status

There are no fiscal impacts associated with the staff recommendation.

Alternatives Considered

The following actions were considered but are not recommended at this time:

- Begin process to revoke permits for moorings known to be vacant. This option reduces District revenue and is not recommended.

Discussion

Your Board recently requested District staff to review Chapter 16 of the Port San Luis Code of Ordinances and report back on the status of the mooring program. Two areas of particular interest were the revocation of permits for moorings left vacant one year or more and the assignment of mooring locations by seniority.

A small number of patrons has expressed concern to your Board and District staff about three aspects of seniority and mooring placement: 1) reduced availability of mooring spaces due to patrons with vacant moorings being permitted to continue paying rent and maintain their location 2) seniority of one individual being used to provide better mooring

location to other users, and 3) not being offered the opportunity to move to a better mooring location due to the seniority list not being applied in order.

The items discussed below are primarily addressed in Sections 16.210 and 16.250 of the Code. The entirety of Chapter 16 of the Code is attached for reference. (Attachment 1)

Revocation of mooring permit based on non-use

Section 16.210C(3) of the Code provides that if a mooring space remains unoccupied for one year, the District may revoke the mooring permit. Permit revocation is an option, not a requirement, and this section has not been applied in recent years.

At this time, the District has vacant mooring spaces available to meet demand and does not have a waiting list for moorings in any category. District staff estimates there are up to seven commercial, fourteen recreational and four larger moorings that could be subject to revocation if the District applied the non-use criteria.

Rent is paid on all moorings, including moorings that do not currently have vessels. Revoking permits for the moorings that are vacant would result in a revenue reduction of up to \$11,640 annually.

Mooring seniority

Mooring seniority (Section 16.250) is based on the date of District approval for a patron's initial mooring permit. Mooring seniority is held by an individual and may be passed to immediate family through inheritance. Mooring seniority does not otherwise transfer between individuals.

Where the mooring is held by a corporation or there are multiple owners on vessel title, the oldest seniority in the party listed on vessel registration or documentation is used as the seniority for the mooring. While this practice may provide newer patrons with access to a better mooring location so long as the group continues, those secondary individuals are not able to keep the same seniority on their own. That means if the corporation dissolves or the multiple vessel owners separate, the non-seniority partners would have to rely on their own seniority for mooring placement, so any advantage is limited, and is permitted under the Code.

When a mooring vacancy occurs, moorings are scheduled to be relocated in order of seniority during the next maintenance window for that mooring zone.

A patron who is eligible to relocate but prefers to maintain their current location may notify the District in writing. These records have not been consistently maintained in writing over the years. This practice should be improved going forward.

District staff is aware of a small number of individuals who have asked about mooring locations that are permitted but unused, and there are several patrons who have indicated they are not interested in moving. The remaining patrons have not expressed concerns or opinions to staff either way.

Conclusion

Staff recommends:

- 1) Allowing mooring locations to continue being permitted without a boat at this time. If demand for moorings increases, it may be necessary to invoke the termination option for vacant moorings. Allowing mooring locations to remain permitted without a boat present maximizes mooring revenue to the District.

- 2) As new mooring vacancies occur, contact patrons who have previously requested not to be moved, confirm their choice and document the response to District files. Over time, this will build any documentation record that may currently be lacking.

Attachments: 1) Port San Luis Code of Ordinances Chapter 16 – Mooring Regulations