

Article 7
Harbor Commission

§ 2-9.701. Created.

There is hereby created a Harbor Commission (referred to in this article as "Commission") for the City consisting of eight members until September 30, 1991, or until a vacancy is declared by the Council, whichever first occurs, and thereafter the Commission shall consist of seven members. (§ 1, Ord. 2327 c.s., eff. April 14, 1982, as amended by § 1, Ord. 2351 c.s., eff. November 1, 1982, § 1, Ord. 2427 c.s. eff. October 16, 1985, § 1, Ord. 2509 c.s., eff. September 1, 1988, and § 1, Ord. 2564 c.s., eff. December 21, 1989, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993)

§ 2-9.702. Jurisdiction.

The jurisdiction of the Commission shall be limited to the harbor area as delineated on the map set forth in Section 2-9.714 of this article.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, and amended by § 1(13), Ord. 2844 c.s., eff. November 4, 1999)

§ 2-9.703. Appointment and terms of members.

Members of the Commission shall serve for a term of four years and shall hold office until their successors are appointed and qualified. The term of office shall commence October 1 and end September 30 four years hence. Appointments to the Commission shall be made in such a manner that an equal number of appointments shall expire every two years. The initial term of office for a member appointed pursuant to Section 704(a) of this article shall expire on September 30, 1991. Thereafter, all appointments and reappointments shall be for a period of four years.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as amended by § 2, Ord. 2351 c.s., eff. November 1, 1982, § 1, Ord. 2427 c.s., eff. October 16, 1985, and § 1, Ord. 2509 c.s., eff. September 1, 1988, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, and amended by § 1(14), Ord. 2844 c.s., eff. November 4, 1999)

§ 2-9.704. Qualifications for appointment.

Appointments to the Commission shall be in accordance with the following criteria:

- (a) One member shall be a boat owner who regularly uses the boating facilities in King Harbor. The designee shall maintain boat ownership during his or her term of office. The sale of the boat, without the repurchase of another within one month after the sale, shall result in a vacancy in office. The boating representative is intended to represent and further the interests of the boaters in King Harbor.
- (b) One member may be selected from a list of names submitted by any harbor association. Any list of names submitted by a harbor association shall be submitted to the City Clerk's Department no later than 30 days prior to the close of the deadline for Commissioner applications. The mayor may select a member from these groups, or select a member at-large.

- (c) Each of the remaining members of the Commission shall have training and experience in one of the following disciplines:
- (1) A State-registered civil or structural engineer, or five years' practical experience in a related engineering field;
 - (2) A member of the Bar of the State;
 - (3) A State-licensed architect;
 - (4) A certified public accountant, or an officer of a financial institution;
 - (5) An oceanographer or marine engineer with five years' practical experience;
 - (6) A State-licensed real estate broker;
 - (7) A property manager with five years' practical experience;
 - (8) A State-licensed general contractor;
 - (9) A practicing economic or financial consultant with five years' experience;
 - (10) A commercial developer with five years' experience;
 - (11) An executive or owner/operator of a business;
 - (12) A management level employee with five years' practical experience with a public or governmental entity; and
 - (13) A management level employee with at least five years' experience in harbor recreational development.

No discipline shall be represented by more than one member.

(§ 3, Ord. 2351 c.s., eff. November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, and § 1, Ord. 2509 c.s., eff. September 1, 1988, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993; Ord. 3268-24 c.s., eff. 5/9/2024)

§ 2-9.705. Filling vacancies.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, the vacancy shall be filled by the Mayor with the approval of the Council for the unexpired term of the vacated office.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by § 3, Ord. 2351 c.s., eff. November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993)

§ 2-9.706. Existing members: Expiration of terms.

The respective terms of office of all existing members of the Commission shall terminate on or after November 1, 1982, and upon the appointment and qualification of their successors.

(§ 4, Ord. 2351 c.s., eff. November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16,

1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993)

§ 2-9.707. Appointment of a chairperson.

At the first meeting of the Commission in every fiscal year, the members of the Commission shall appoint one of their number as a chairperson and one of their number as a vice-chairperson, both of whom shall hold office for one year and until his or her successor is appointed.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff. November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 18, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

§ 2-9.708. Meetings and failure to attend.

- (a) The Commission shall hold regular meetings at least once every month.
- (b) In the event any member of the Commission shall absent him or herself from the regular meetings of the Commission for a period of 60 days consecutively following the last regular meeting attended by such member, unless by permission of the Council expressed in its official minutes, or in the event such member shall be convicted of a crime involving moral turpitude or ceases to be a qualified elector of the City, his or her office shall become vacant and shall be so declared by the Council.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff. November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

§ 2-9.709. Powers and duties.

- (a) The Commission shall hold hearings on all applications for conditional use permits and variances for the use and development of lands within the jurisdiction of the Commission as provided for in Section 10-2.2512 of Article 12 of Chapter 2 of Title 10 of this Code.
- (b) The Commission shall hold hearings on any matter concerning the commercial or recreational development of the harbor.
- (c) The Commission shall further the commercial and recreational development of the harbor.
- (d) The Commission shall be advised and may recommend to the Council on all new lease and sublease arrangements with the City relating to harbor lands, facilities, or improvements.
- (e) The Commission shall be advised and may report to the Council on all subleases with firms doing business within the jurisdiction of the Commission.
- (f) The Commission shall be advised and may report to the Council on the assignment of all leases and subleases with the City relating to harbor lands, facilities, or improvements.
- (g) The Commission shall advise the Council on any matter concerning the harbor when so requested by the Council.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff.

November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as amended by § 1, Ord. 2790 c.s., eff. March 6, 1997, and § 1(15), Ord. 2844 c.s., eff. November 4, 1999, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

§ 2-9.710. Procedures for processing applications.

Applications for conditional use permits and variances shall be filed with the Waterfront and Economic Development Department and shall be processed in the manner set forth in Sections 10-2.2506 and 10-2.2510 of Article 12 of Chapter 2 of Title 10 of this Code.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff.

November 1, 1982, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, amended by § 1(16), Ord. 2844 c.s., eff. November 4, 1999, and § 1, Ord. 3104 c.s., eff. February 8, 2013, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

§ 2-9.711. Finality of decisions: Appeal of decisions.

(a) Decisions for the approval or denial of a permit or other entitlement by Harbor Commission may be appealed to the City Council, subject to the appeal procedures provided in the municipal code for the underlying permit/entitlement.

(b) In the event that there are no specific appeal procedures provided in the municipal code for the permit/entitlement, each and every person wishing to challenge the Harbor Commission's decision shall file an appeal by 5:00 p.m. of the tenth calendar day following the Harbor Commission's decision (or the next working day if the tenth calendar day falls on a weekend, holiday, or a day the City's offices are closed). In computing 10 calendar days, the day of the Harbor Commission's decision shall be excluded. The appeal must be submitted in writing and specify in detail the grounds for the appeal. All of the appellant's grounds for the appeal must have been: (1) listed in the written appeal; and (2) presented to Harbor Commission orally or in writing prior to the decision on the permit/entitlement ("exhaustion requirement"). The failure to comply with this exhaustion requirement shall be grounds for denial of those portions of the appeal which were not exhausted.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff.

November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, and § 1, Ord. 2521 c.s., eff. December 1, 1988, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, repealed and replaced by § 1, Ord. 3125 c.s., eff. January 16, 2015, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

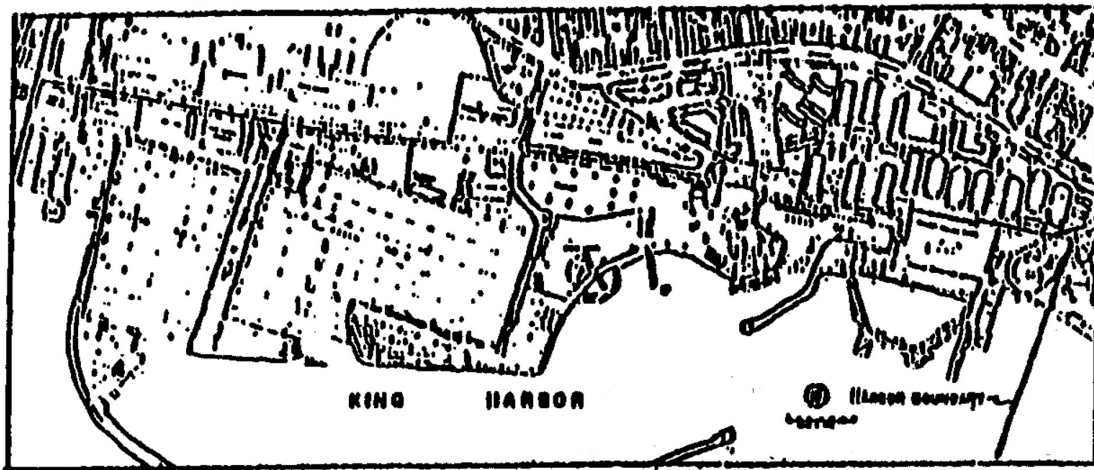
§ 2-9.712. Rules and regulations.

The Commission shall establish and publish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff.

November 1, 1982, as amended by § 1, Ord. 2427 c.s., eff. October 16, 1985, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)

§ 2-9.714. Map of the harbor area.



(§ 1, Ord. 2327 c.s., eff. April 14, 1982, as renumbered by §§ 3 and 4, Ord. 2351 c.s., eff. November 1, 1982, as renumbered by § 1, Ord. 2705 c.s., eff. October 21, 1993, as renumbered by § 2, Ord. 3221 c.c., eff. October 21, 2021)