

## **Santa Cruz County Port District Boat Slip Waiting List**

### ***Synopsis***

The Santa Cruz County Small Craft Harbor's primary function is to provide storage for pleasure craft and commercial fishing vessels. It is an important recreational and commercial facility in the county.

Santa Cruz County Port District uses a waiting list procedure to determine who can rent the limited supply of boat slips. We found that the Port District administers the wait list fairly, although all of its procedures are not fully documented and are sometimes hard to understand. The processes it uses for maintaining the waiting list data could be improved.

### ***Definitions***

**Berth:** the place where a ship lies at anchor or at a wharf

**Dry-stored:** vessels stored on land

**Inside-tie space:** inside portion of the dock along the shoreline in the north/upper harbor

**Queue:** an ordered waiting list for each type of berth. The order is determined by seniority date. New entries are added to the end of the queue and the oldest entries, i.e. those closest to receiving a slip, are at the beginning of the queue.

**Seniority date:** the date a waiting list application is accepted. Seniority dates are used to order the list, with oldest dates first and most recent dates last.

**Slip:** a docking place for a vessel between two piers. All slips are berths, but not all berthing locations are slips. For example, a berthing location may be a vessel anchored offshore.

**Waiting list:** the list of all individuals and entities who are in line to get a slip in the harbor

### ***Background***

Citizen groups obtained 3,000 signatures and presented them to the Santa Cruz County Board of Supervisors, which authorized an election in 1950. The election officially formed the Santa Cruz Port District under the guidelines of the State of California Harbors and Navigation Code. The purpose of the district was to provide and manage small craft harbor facilities in Santa Cruz County. Between 1958 and 1960, the California State Department of Parks and Recreation began acquiring land for the harbor and supporting parking and concession areas. In 1962, Congress appropriated \$1.6 million for jetty construction and dredging of the original south harbor basin. Expansion of the upper

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harbor north of the Murray Street bridge began in 1968 after state planning studies were completed. An additional 455 slips were completed in 1973.

Santa Cruz Harbor now has space for approximately 1,000 wet-berthed and 275 dry-stored vessels. Roughly 15 percent of these vessels are commercial fishing boats, 35 percent pleasure powerboats and 50 percent pleasure sailboats. Besides providing space for pleasure boats, the harbor must support berthing requirements for commercial fishermen.

The demand for berthing space is greater than availability. As a result, the Port District has established a waiting list and associated procedures to determine who will get available spaces.

The primary procedures are documented in a pamphlet published by the Port District titled “Waiting List Procedures.” Waiting list procedures are as follows:

- A person or legal entity applies to the Port District for a slip.
- Once the Port District accepts the application, the applicant must pay the annual fee of \$85 to remain on the waiting list.
- The applicant receives a seniority date and chooses the appropriate queue based on the size and type of boat to be put in the water.
- The applicant is offered a slip when one becomes available, and no one else has been on the waiting list longer for the same type of slip.

In 2001-2002, the Santa Cruz County Grand Jury reviewed the operations of the entire Port District. That report was generally positive and concluded, among other things, that “The Santa Cruz Port District is a well run, professionally administered revenue generating Special District.”

## **Sources**

### **Interviewed:**

Port District officials.

### **Reviewed:**

Data provided by the Santa Cruz County Port District that included:

- Current wait list.
- List of slip acceptances for the previous three years.

Harbor web site, <http://www.santacruzharbor.org>.

Marina Manager web site, <http://www.marina-management-software.com>.

Santa Cruz County Harbor publication, “Ordinances,” May 2003.

Santa Cruz County Harbor pamphlets:

- “A Port District is a Port District” (sic).
- “An Overview of the Santa Cruz Port District.”

- “Highlights of the Slip License Agreement / General Policies and Information.”
- “One-Year Slip License / Slip Leaves.”
- “Partnerships and Limited Liability Companies.”
- “Vessel Title Held In the Name of a Family Trust.”
- “Waiting List Procedures.”
- “Rate Sheet / April 2004 – March 2005.”

## **Scope**

This report focuses on the procedures the Port District uses to manage the list of those waiting to obtain boat slips in the harbor. Our investigation included spot checks of randomly selected slip holders and legal entities on the wait list to see if the process is administered fairly.

## **Findings**

1. As of March 12, 2005, there were 1,183 entries on the waiting list. The list is divided into separate queues based on the size and type of slip desired. On the date we took a snapshot of the waiting list the size of each queue was as follows:

<b>Queue Name</b>	<b>Description</b>	<b>Count</b>
AA37 <sup>1</sup>	New 37’ and 40’ slips	14
L.HAR.24	24’ slips in the lower harbor	37
L.HAR.30	30’ slips in the lower harbor	108
L.HAR.40	40’ slips in the lower harbor	134
L.HAR.50	50’ slips in the lower harbor	27
L.HAR.60	60’ slips in the lower harbor	14
MULTIHUL	Multi-hull slips	7
STANDBY	Standby List	519
U.HAR.20	20’ slips in the upper harbor	19
U.HAR.25	25’ slips in the upper harbor	71

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<sup>1</sup> Recently the Port Commission created the new waiting list category AA-37. This is a category for new slips currently under construction. When completed, there will be two 37’ slips and two 40’ slips. These new slips will rent for 1.7 times the regular slip rate; the additional cost is to pay for the construction.

U.HAR.30	30' slips in the upper harbor	116
U.HAR.35	35' slips in the upper harbor	46
U.HAR.40	40' slips in the upper harbor	48
WIDE45UH	45' slips for wide boats in the upper harbor	10
Y.C.DRY	Yacht Club dry dock space	13
<b>Total</b>		<b>1,183</b>

**Response: Local Agency Formation Commission (LAFCO) PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

2. The policies, ordinances and procedures that govern the existence and operation of the boat slip waiting list are not documented in a single location. Documents other than the Port District pamphlet, "Waiting List Procedures," contain information and procedures relevant to the operation of the slip waiting list. These include the documents listed in the Sources section of this report.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

3. The Port Commission can pre-empt the waiting list and assign a slip to someone not on the waiting list. This is done only after public discussion at an open Port Commission meeting using normal voting procedures. Discussion and actions are recorded in the meeting minutes. This procedure is for special situations and is rarely used.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically*

*maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

4. The Port District publishes part of the waiting list on its web site, <http://www.santacruzharbor.org/>. Only the names of the top ten applicants in each queue are published on the Harbor web site.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

5. The Standby Queue is unique:
- “A Standby List has been created for those individuals who know they will not be able to accept a berth in the near future.”<sup>2</sup> In other words, people who are offered a slip but cannot accept it at that time remain in the queue.
  - In practice, the Standby Queue is a general purpose list for people who don't know what size slip they will require. Those in the Standby Queue can change to another list when their requirements are known.
  - Slip holders may also be in the Standby Queue to wait for a different slip. Slip holders retain their seniority date in the Standby Queue even after being given a slip.
  - Any individual or entity can remain on the waiting list in any queue indefinitely, as long as the annual fee of \$85 is paid.

**Response: Santa Cruz County Port District and Commissioners AGREE.**

6. Once a slip becomes available and is offered to someone on the waiting list, that person must be able to enter into a legal contract. However, there is no age requirement for individuals to submit an application and remain on the waiting list. Even school-age children can be on the list in anticipation of getting a slip.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically*

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<sup>2</sup> “Waiting List Procedures,” Santa Cruz County Port District publication.

*maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

7. The Port District uses a commercial software package, “Marina Manager,” from Timeless Technologies in Prince Edward Island, Canada. This software manages the data associated with the waiting list.<sup>3</sup> The software tracks slip holders and visitors, dues and fees paid and owing, emergency contact information, emergency medical information, employees and volunteers. It does not specifically track waiting lists.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District’s boundaries, LAFCO does not have first-hand access to the Port District’s waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners PARTIALLY AGREE.**

*The Marina Management software program has been customized for the Santa Cruz Port District to specifically meet the needs of our unique waiting list system. The Port District believes the software program, as written, is sufficient.*

8. To support berthing requirements for commercial fishermen, the Port Commission authorized a Fishery Allocation Program. This program allows for certain slips (near the commercial wholesale fishery complex) to be held by commercial fishermen based on their gross annual fish catch. These slips are awarded on a competitive basis, with the highest catch getting highest priority for the slip. All commercial fishermen in these slips are audited by the Harbormaster each year to determine if they are meeting their minimum-catch criteria. The minimum criteria to hold a slip is \$200 per foot of vessel length, thus a 30’ vessel must have a minimum catch of \$6,000/year to maintain the slip. The commission reviewed this program at a public meeting approximately one year ago.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District’s boundaries, LAFCO does not have first-hand access to the Port District’s waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

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<sup>3</sup> Information about the software is available on the internet at: <http://www.marina-management-software.com/index.htm>.

9. Inside-tie spaces are on the inside portion of the dock, along the shoreline, in the north/upper harbor. They are not part of the regular paid waiting list process. Because each vessel has unique requirements (length, beam and draft), these spaces are allocated on a case-by-case basis. They rent for the regular rate based on the vessel length. To apply for an inside-tie space, applicants give their name, vessel length, beam (width) and draft (depth) to the Senior Deputy Harbormaster in charge of space administration in the north/upper harbor. He reviews spaces when they become available and assigns an appropriate space.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

10. Individuals on the waiting list complete and sign a form. They are given the waiting list date (seniority date) based on the date payment is received in the harbor office.

**Response: LAFCO PARTIALLY AGREES.**

*Within its statutory authority under state law concerning regulation of the Port District's boundaries, LAFCO does not have first-hand access to the Port District's waiting list records or administrative procedures, nor does LAFCO typically maintain this level of operating information for districts and cities. Therefore, LAFCO defers to the Port District to respond directly to this finding.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

## **Conclusions**

1. The entire procedure is difficult to understand because the policies, ordinances and procedures are not found in one location. Amongst the procedures that are not documented in one place are all of the intricacies of the Standby Queue, the procedures for leaving a slip, slip trade process and obtaining a slip in the inside-tie spaces.
2. The procedures governing the wait list are difficult to understand because they are not fully documented.
3. The data associated with the operation of the waiting list is not all accessible by the public.
4. The Standby Queue, a key component of the waiting list, is not well documented.
5. The rules governing the Standby Queue tend to favor those who already hold slips. Once people or legal entities are assigned a seniority date, they essentially may keep the date forever. The seniority date is forfeited only if the person or legal entity

decides not to remain in the Standby Queue or gives up the slip and leaves the system. At first, this appears to be a serious imbalance in the system, which allows the development of a group of boaters with early seniority dates who can “game” the system to get the most desirable slips. However, further analysis revealed that this system encourages movement in the system. If there were no way to retain a seniority date, then slip holders would never give up their slips. The system would stagnate and make it even harder for new boaters to get a slip.

6. The Marina Management software used by the Port District to administer the waiting is not well suited to deal with the issues associated with a multi-queue waiting list as operated by the Santa Cruz County Port District.
7. The Port District appears to operate the boat slip waiting list in a fair and responsible manner. In some cases, the procedures used are not fully documented.
8. The process for getting an inside-tie space is not documented. It is not clear how to get on the waiting list for such a space and what criteria the Harbormaster uses in deciding who gets these locations.

### ***Recommendations***

1. All of the ordinances, policies and procedures that govern the existence and operation of the boat slip waiting list should be documented in a single publication that is readily available to the boating public. This should include the details of less well-documented provisions like the Standby Queue. These should also be published electronically on the Port District web site.

**Response: LAFCO PARTIALLY AGREES.**

*The implementation of this recommendation is the responsibility of the Port District. It is not within the jurisdiction of LAFCO.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

*Staff will create an index of Port District ordinances, policies and programs, which will be divided into sections relating to slip acceptance, with sub-headings of all applicable information (for example: pertinent ordinance section, or name of brochure, etc.).*

*The waiting list brochure will be expanded to contain information on the standby list, as well as a list of other related brochure topics.*

2. Other software packages that can address the intricacies of the Santa Cruz Port District’s multi-queue system should be evaluated.

**Response: LAFCO PARTIALLY AGREES.**

*The implementation of this recommendation is the responsibility of the Port District. It is not within the jurisdiction of LAFCO.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

*Other software packages that could address the intricacies of the Port District's waiting list system will be evaluated.*

3. The visibility of the waiting list should be improved by publishing all non-personal data associated with the entire list on the Port District's web site and in printed form in the Harbor office available for public review. Published information should include waiting list transactions such as:
  - additions to the list
  - transfers between queues
  - drops from the list
  - slip offers along with acceptances and rejections

**Response: LAFCO PARTIALLY AGREES.**

*The implementation of this recommendation is the responsibility of the Port District. It is not within the jurisdiction of LAFCO.*

**Response: Santa Cruz County Port District and Commissioners PARTIALLY AGREE.**

*Since January 2005, the Port District web site ([www.santa.cruzharbor.org](http://www.santa.cruzharbor.org)) lists the top 10 individuals on each waiting list, along with the disposition of activity by each individual throughout the slip offering process. The commission will consider investment to enhance the harbor web site to include the ability for staff to easily post full waiting lists.*

*Since the existing software program does not allow for anyone to be on more than one waiting list at a time, it is not our opinion that "all" transfers between lists (beyond the top 10 individuals) must be indicated and tracked. The existing program is self-limiting.*

4. The procedure for getting an inside-tie space should be formalized and documented. Those at the front of the various queues should be given priority for inside-tie spaces over others who are not on the waiting list.

**Response: LAFCO PARTIALLY AGREES.**

*The implementation of this recommendation is the responsibility of the Port District. It is not within the jurisdiction of LAFCO.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

*Staff will organize the applicants onto a computerized spreadsheet indicating the applicant's name, waiting list date, and required space size (with vessel draft, beam, length, vessel type). This list is free of charge to the customer due to the fact that there is not a high demand for space, and the wait is less than one year (as is the dry storage and rack storage); however, if the wait grows to considerably longer than one year, this list may be converted to the regular, paid waiting list system.*

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5. The Port District should be praised for managing a complex system involving many boaters with varied requirements.

**Response: LAFCO AGREES.**

*The Port District is doing a commendable job in managing the limited number of slip spaces at the harbor. This recommendation does not require any specific implementation. To review LAFCO's recent evaluation of the Port District's services, see the "Other Services" chapter of the Countywide Service Review, which is available at the Santa Cruz and Watsonville main libraries and online at: <http://santacruzlafco.org/CSR.html>.*

**Response: Santa Cruz County Port District and Commissioners AGREE.**

*The Santa Cruz County Port District and Commissioners thank the Grand Jury for its commendation.*

**Responses required**

<b>Agency</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Response Within</b>
Santa Cruz County Port District	1-10	1-5	60 Days (August 30, 2005)
Santa Cruz County Port Commissioners	1-10	1-5	90 Days (September 30, 2005)
Local Agency Formation Commission	1-10	1-5	60 Days (August 30, 2005)