

**BYLAWS OF THE DANA POINT HARBOR ADVISORY BOARD**  
**Approved and enacted by the Dana Point Harbor Advisory Board**  
**February 26, 2018**

**I. Purpose**

The Dana Point Harbor Advisory Board (DPHAB) is established to advise the County of Orange Board of Supervisors, City of Dana Point, County agencies and harbor management on public policy and successful operation of OC Dana Point Harbor.

**II. Responsibilities**

- A. DPHAB is responsible for conducting public meetings for the purposes of soliciting input and advising the OC Board of Supervisors, City of Dana Point, County agencies and harbor management concerning:
  - 1. Proposed harbor-related improvements, such as development and construction, land and waterside Coastal Development Permits, as well as land use alterations and activities requiring amendments to the Dana Point Harbor Local Coastal Plan;
  - 2. Matters pertaining to boater-serving resources and infrastructure, as well as the control, operation, promotion and regulation of vessels and watercraft within OC Dana Point Harbor;
  - 3. Matters associated with operations and uses of Dana Point Harbor land and waterside resources;
  - 4. Recommendations for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, policies and procedures of the Harbor, including administration of Fund 108 Tidelands Trust.
  
- B. DPHAB shall routinely report recommendations on such matters to the Director of OC Parks, as well as the County of Orange 5<sup>th</sup> District Supervisor or his or her designee. The latter shall be responsible for evaluation and communication to the OC Board of Supervisors as may be appropriate. The DPHAB may also make recommendations to other government agencies as appropriate. The recommendations of the DPHAB shall be advisory only and not binding to any entity or government agency.
  
- C. DPHAB is not authorized to undertake any other activity including, but not limited to, political or legal actions, unless specifically authorized by the Board of Supervisors. Nor does DPHAB have any oversight or advisory role in lease negotiations or arbitration.

### III. Membership

- A. **Number:** The DPHAB shall comprise nine (9) voting members and two non-voting ex-officio members.
- B. **Voting Member Qualifications:** Members shall have an affiliation with the following categories:
1. **Wet Slip Tenant Boaters (2)** – Dana Point recreational boaters whose vessels are stored in a boat slip in Dana Point Harbor, excluding commercial boat operators.
  2. **Dry Storage Tenants, Trailer Boaters, and Small Craft Operators (1)** – Dana Point recreational boaters whose watercraft are stored out of the water, such as on trailers or dry racks. Also includes human powered craft users as well as other day use Embarcadero customers. Excludes commercial boat operators.
  3. **Restauranteurs (1)** – Proprietors of restaurants as well as catering operations, including yacht clubs, operated within the boundaries of Dana Point Harbor.
  4. **Landside Merchants (1)** – Proprietors of all other non-restaurant, landside businesses located within the boundaries of Dana Point Harbor.
  5. **Waterside Merchants (1)** – Proprietors of Dana Point Harbor waterside services businesses, such as yacht brokers, boat repair operations, boat tours (e.g. whale watching) operators, ferry services, commercial and charter fishing.
  6. **Clubs and Social Organizations (1)** – Groups and organizations dedicated to Dana Point Harbor public interests and activities such as harbor walking and park users; canoe, paddling, kayaking, sailing and fishing clubs; youth sailing operations; yacht clubs, fishing, racing and cruising programs.
  7. **Education and Community Services Organizations (1)** – Nonprofit organizations dedicated to providing or funding Dana Point Harbor educational and community programs, including foundations and other social outreach organizations such as Ocean Institute, Youth Sailing Foundation, Jazzercise and Alcoholics Anonymous.
  8. **At-large (1)** – A regular Dana Point Harbor user or another qualified individual.
- C. **Ex-Officio Members:** There shall be a total of two (2) non-voting members representing the County of Orange and City of Dana Point. The ex-officio members shall be the Director of OC Parks (or designee) and the City Manager for the City of Dana Point (or designee).
- D. **Appointment and Termination of Members:**
1. Initial membership shall be selected by the DPHAB Selection Committee.
  2. Any member who fails to attend three consecutive regular meetings shall automatically vacate their position.
  3. Members serve at the discretion of the Dana Point Harbor Advisory Board and may have their membership terminated by a two-thirds majority vote by the Advisory Board.

4. The seat of any member who is no longer affiliated with membership categories shall automatically be vacated without action of the Advisory Board.

**E. Terms of Office:**

1. Inaugural membership shall be divided into three staggered terms of one-, two- and three-year terms as defined by the Selection Committee, and approved by resolution concurrent with the adoption of these bylaws.
2. Subsequent terms of office shall be for three years to begin in January and end three years hence on December 31.
3. Except in the case of unforeseen and unavoidable vacancies, not more than one third of membership terms (3) shall expire in any calendar year.

**F. Officers:**

1. The officers of the DPHAB shall be a Chair, Vice-Chair, and Secretary.
2. Officers are elected by the voting membership of the DPHAB, at an annual organizing meeting and shall serve until the next organizing meeting.
3. Annual organizing meetings shall be in in December unless another month is authorized by two-thirds majority vote of the Advisory Board.

**G. Vacancies:**

Vacancies in membership occurring prior to the expiration of a term of office shall be filled by the Advisory Board in the same manner as appointments to serve the balance of that term.

**IV. Procedures**

- A. Five (5) members shall constitute a quorum of the DPHAB. No business shall be transacted in the absence of a quorum.
- B. Action may be taken by a majority of a quorum of five (5) of the members. Abstention shall count toward a quorum.
- C. A Membership Committee, comprised of no less than 3 individuals, shall be elected annually by majority vote of the Advisory Board. The Membership Committee shall solicit, evaluate and submit all membership applications to the Advisory Board. The Advisory Board shall individually elect new members by majority vote during the annual organizing meeting, prior to the election of officers.
- D. Either the Chair, Vice-chair, or Secretary shall sign all communications representing the recommendations of the Advisory Board.
- E. Minutes of each meeting shall be taken by the Secretary, or if absent or by delegation, by Chair appointment. The Minutes shall record (1) the attendance of each member present, (2) all motions made and seconded, and (3) how each member voted. As deemed appropriate and always regarding development projects, the motion shall state

whether the DPHAB recommends approval or denial of any project modifications or conditions. No other information is required.

- F. All meetings shall be open and public.
- G. The DPHAB shall schedule regular monthly meetings at a location, date, and time. Special meetings may be held at the discretion of the Dana Point Harbor Advisory Board.
- H. Prior to any meeting, the DPHAB staff shall post an agenda for that meeting at three public locations and/or on DPHAB website and/or social media sites determined by the DPHAB.

**V. Referral Procedures and Deadlines**

- A. Secretary of DPHAB or his or her designee, shall mail, fax or email all relevant project applications and supporting material to the address provided by the DPHAB members at least 7 calendar days prior to action.
- B. The DPHAB Chair shall place the referral on the agenda for action by the DPHAB at its next regularly scheduled meeting.
- C. Failure of DPHAB to act on any matter does not limit the ability of the County of Orange to act on that matter.
- D. DPHAB members shall allocate sufficient time to thoroughly review each project application referral and shall be prepared to provide comments and act at the next meeting.

**VI. Compensation**

Members serve as volunteers and there shall be no compensation for time, services, or supplies for DPHAB.

**VII. Amendments**

These bylaws may be amended by a 2/3 majority vote by the entire Dana Point Harbor Advisory Board.

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