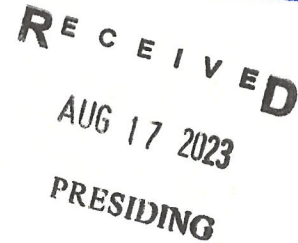




OFFICE OF THE MAYOR
John McCann



August 15, 2023

Honorable Michael T. Smyth
Presiding Judge
San Diego County Superior Court
1100 Union Street
San Diego, CA 92101

**RE: City of Chula Vista Response to San Diego County Grand Jury Report:
“Governance of San Diego Bay and its Tidal Lands and Regions”**

Pursuant to California Penal Code sections 933 and 933.05, the following specific responses are submitted to you regarding the 2022-2023 Grand Jury Findings and Recommendations pertaining to *Governance of San Diego Bay and Its Tidal Lands and Regions*.

Finding 2: **The Port District acts as an independent special district without direct oversight from local city or county governments.**

Response: The City of Chula Vista partially agrees with the finding. While the City does not provide direct oversight, it does provide general oversight through its ability to both appoint and remove its Port Commissioner.

Finding 4: **Briefings by Port Commissioners to Port City Councils in noticed public meetings regarding issues affecting their jurisdictions, will increase the level of public participation and knowledge regarding Port District activities, Port Master Plans, Master Plan Updates, Port Master Plan amendments or additions.**

Response: The City of Chula Vista agrees with the finding.

Finding 5: **Currently, the Board of Port Commissioners does not have term limits. Considering term limits would foster democratic principles by providing more opportunities for diverse and talented individuals to serve, prevent the accumulation of influence, and uphold the public trust by keeping the Board representative responsive to its community.**

Response: The City of Chula Vista agrees with the finding.

Finding 6: **With three of seven port commissioners appointed to the Board of Port Commissioners by the City of San Diego, the potential exists for the City of San Diego to exert dominance over the priorities, resources and decisions of the Port District.**

Response: The City of Chula Vista agrees with the finding.

Finding 7: **The Port District is incentivized to maximize revenue to fund its operations, a goal that may create conflict of interest in the priorities, allocation of resources and other decisions made by the Port Commission.**

Response: The City of Chula Vista agrees with the finding.

Finding 8: **Success in the development of the Chula Vista Hotel and Convention Center has been obtained because of a close collaboration and alignment of interests between the Port District and the City of Chula Vista.**

Response: The City of Chula Vista agrees with the finding.

Finding 13: **Given a preference for informal channels of communication by Port City councils and mayors with their appointed Port District representatives, neither Port Commissioners nor Port City Councils maintain completely open and transparent relationships allowing for public involvement or awareness of Port District activities.**

Response: The City of Chula Vista partially agrees with the finding. Confidential briefings are appropriate in certain circumstances, such as the negotiation of highly complex financial transactions. All official actions of the City Council relating to the Port District are made in public, in accordance with standard procedures and legal requirements. Regular briefings by the Chula Vista Port Commissioner are also made publicly at City Council meetings.

Finding 14: **In its current form, the Port Master Plan and Master Plan Update documents published by the Port District are overly complex, difficult to understand and too broad in scope to foster meaningful comprehension by Port City residents, elected municipal or county officials.**

Response: The City of Chula Vista agrees with the finding.

Finding 15: **Ratification of Port Master Plans, Master Plan Updates or Master Plan Amendments would allow residents of Port City**

Planning districts and San Diego County to acknowledge and confirm their understanding of Port District development plans and projects within their municipal and county boundaries and provide reliable documents for communities to plan for the future.

Response:

The City of Chula Vista partially agrees with the finding, as it would allow additional opportunities for public input; however, requiring ratification by municipalities could further complicate the approval process and delay desirable projects. In addition, inserting a municipal ratification step in the Port Master Plan approval and amendment processes would require amendments to both the Port Act and the Coastal Act.

If such a process were to be adopted, it would be important that such ratification not constitute an additional level of technical or legal review by the City and not transfer any legal liability resulting from the Port District's approval to the City. Further, the consequences of the Port District's failure to gain ratification of all impacted member cities on any given action must be addressed. For example, if multiple member cities are impacted, and all but one ratify, that should not bar the Port District from proceeding.

Assuming the required amendments to the Port Act and Coastal Act were made, implementing a ratification process would also require a coordinated approach throughout the member cities.

Recommendation 23-90

Enact ordinances or policies placing a two-term limit on the number of terms that a Port Commissioner can serve (as already enacted for the City of Coronado).

Response:

The recommendation requires further analysis. The City recognizes the value in implementing term limits for Port Commissioner appointments. The City also recognizes that the work of a Port Commissioner is highly specialized and develops over time. Further analysis to better understand the potential impacts to the City's interests in placing a term limit on the Chula Vista Port Commissioner is needed. A report and recommendation will be made to the City Council no later than December 6, 2023.

Recommendation 23-91

Institute ordinances or formal policies requiring the appointed Commissioners from each city be required to give at a minimum, quarterly updates to the City Councils at officially scheduled city council meetings open to the public.

Response:

The City of Chula Vista partially supports this recommendation. The current Chula Vista appointed Port Commissioner provides regular updates at City Council meetings, which are open to the public. The cadence of these updates is set by the progress of the specific projects and programs of interest to the City Council and the local

community. The City will consider adopting a policy requiring semi-annual updates, with additional public updates to be provided as appropriate; such policy to be considered for adoption by the City Council no later than December 31, 2023.

Recommendation 23-92

Institute ordinances or formal policies that require ratification of the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan for Port District planning districts within each city's boundaries.

Response:

The City of Chula Vista partially supports this recommendation, with the caveats described in our response to Finding 15. Should the Port Act and Coastal Act be amended to allow for municipal ratification of Port Master Plans, Port Master Plan Updates, and Port Master Plan Amendments, staff would endeavor to develop a coordinated approach with the other member cities. Should the Port Act and Coastal Act be amended, and a coordinated approach be agreed upon by the member cities, staff would then return with an implementing action for the City Council to consider.

Recommendation 23-93

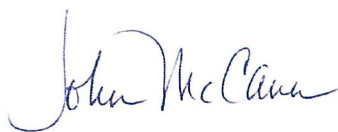
In consultation with the San Diego County Board of Supervisors, explore and implement an alternate form of governance for the Port District allowing for participation in, and oversight of Port District activities and decision by the San Diego County Board of Supervisors and the elected city councils of the five Port Cities.

Response:

The City of Chula Vista does not support this recommendation. Inserting an additional decision-making body into the governance structure of the San Diego Port tidelands would further dilute the authority of the City of Chula Vista over the tidelands located within our jurisdictional boundaries and cannot be supported.

Thank you for your interest in the governance of the San Diego Bay tidal lands and regions, including the City of Chula Vista. If you would like additional information or have any further questions, please contact City Manager Maria Kachadoorian at mkachadoorian@chulavistaca.gov.

Sincerely,



John McCann
Mayor