

August 28, 2023

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

RE: Response to the June 7, 2023 Grand Jury Report Entitled "Governance of San Diego Bay and its Tidal Lands and Regions"

Dear Judge Smyth:

On behalf of the City of Coronado, this letter constitutes the response to the San Diego County Grand Jury report entitled "Governance of San Diego Bay and its Tidal Lands and Regions". Specifically, the Coronado City Council was directed to respond to Recommendations 23-90 through 23-93.

**Finding 01:** Port Commissioners are only required to represent the perspectives, not the interests of the Port City appointing them to the Board of Port Commissioners.

Response: The City of Coronado does not dictate the requirements of the Board of Port Commissioners and is not the appropriate agency to address Finding 01.

**Finding 02:** The Port District acts as an independent special district without direct oversight from local city or county governments.

Response: The City of Coronado agrees with the finding.

**Finding 03:** Because the interests of residents of Port Cities and the County of San Diego are subject to the interpretations of the unelected Board of Port Commissioners, their interests may not be heard, prioritized or represented accurately.

Response: The City of Coronado agrees with the finding in that the Board of Port Commissioners represents a range of residents and interests beyond those of individual Port Cities, and thus individual Port Cities' interests are a component, but not the whole, of the Board's decision-making, and as such, could lack the specificity and prioritization held by the Port City.

**Finding 04:** 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 Coronado agrees with the finding.

**Finding 05:** 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 Coronado partially disagrees with this finding and supports choice of the individual Port Cities to determine whether limits on the length of Commissioner appointments are appropriate to best represent their cities' interests.

**Finding 06:** 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 Coronado agrees with this finding.

**Finding 07:** The Port District is incentivized to maximize revenue to fund its operations, a goal that may create conflicts of interest in the priorities, allocation of resources and other decisions made by the Port Commission.

Response: The City of Coronado cannot comment on the degree of emphasis of revenue maximization imbedded in the Board of Port Commissioner's decision-making or whether legal conflicts of interest may exist. However, if revenue generation takes primacy in every decision irrespective of other values or interests, especially those of the Port Cities, the City of Coronado agrees that these other, non-revenue interests would be undermined in the priorities, allocation of resources and other decisions of the Board.

**Findings 08-11** do not pertain to the City of Coronado and the City is unable to comment.

**Finding 12:** The Port's decision to approve the Cottages at the Cays development proposal could negatively impact access to San Diego Bay and approving the plan favors those willing or able to pay costly hotel rates typical of the Coronado area.

Response: The City of Coronado agrees with this finding. In the City's careful examination of the information available about the proposed hotel project, the City does not believe that the project will deliver year-round affordable rates and will

limit general public access and confer it to those with the ability to pay. The parcel's land use designation of Recreational Open Space in the Port Master Plan Update ensures full and open access for all members of the public to this vital and precious bayfront property.

**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 Coronado partially disagrees with the premise of this finding. Speaking to the experience of the City of Coronado only, communications with the Port District and its Port Commissioner follow appropriate channels of individualized interagency coordination on day-to-day logistical matters and negotiations as needed, and public communications and deliberations on matters of decisions and Port activity updates.

**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 Coronado partially agrees with this finding. Public transparency is critical to the operation of all public entities and dedicated effort to simplify and translate complex matter for the public is key for informed community engagement. At the same time, general plan documents are inherently complex and will carry considerable volume and detail to meet statutory requirements. Accordingly, great care is imperative to balance the necessity of detailed information in a foundational general plan document such as the Port Master Plan with meaningful public information and engagement activities to maximize community understanding.

**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 Coronado agrees with this finding.

**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 City of Coronado has already implemented this recommendation.

**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 Coronado has already implemented this recommendation, under the Port Commissioner Position Specifications approved by the City Council on November 5, 2013. The Coronado Port Commissioner, appointed by the City Council is required to communicate to the City Council and staff regarding all San Diego Unified Port District matters of possible interest to Coronado and, where deemed of particular interest, shall do so at a public meeting as determined by the Council. In addition, the appointed Commissioner must prepare oral or written summary briefs for the Coronado City Council, relative to matters at the Port District having impact on Coronado and publicly report to the Coronado City Council. Updates to the City Council have occurred at varying frequency over time and Commissioners and have been more frequent than portrayed in the Grand Jury report. The City coordinates ongoing updates with the Port Commissioner.

**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 recommendation will not be implemented as it contravenes California statute. The Port District is a special district created and governed by state law. (San Diego Unified Port District Act (Act). Cal. Harb. & Nav. Code, app. 1, §§ 1-88.) The Act authorizes the Board of Commissioners to adopt a master plan and modify the master plan by a two-thirds vote. (Cal. Harb. & Nav. Code, app. 1, § 19.)

State law vests Master Plan authority in the Board of Port Commissioners. While the Board may request that each Port City ratify Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan from Port District planning districts within each city's boundaries, a city-imposed requirement of this nature would conflict with state law and would be preempted by the Port Act. The California Legislature would have to insert such ratification requirements into State law for it to be operative.

As has been the City's practice, unless conferred greater authority by the State, the City will continue to discuss, in noticed, open and public City Council meetings any changes to the Port Master Plan, updates, amendments and proposed projects affecting the City of Coronado so that community and City Council comments and concerns are relayed to the Board of Port Commissioners.

**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 recommendation will not be implemented. As discussed in the foregoing section, legally, state legislation would be required to implement an alternative form of governance for the Port District. Moreover, conferring authority to another agency, the County Board of Supervisors, does not present an enhancement in Port Cities' authority and control.

The City appreciates the time and effort the Grand Jury invested to study this important regional matter and for its report and recommendations. If you have any questions regarding the City of Coronado's responses, please contact Tina Friend, City Manager, at (619) 522-7300.

Sincerely,

Richard P. Bailey  
Mayor

cc: City Council  
City Manager