

**COUNTY OF LOS ANGELES BEACH COMMISSION
MINUTES OF MARCH 23, 2011**

COMMISSIONERS PRESENT

Walt Dougher
Don Doyle
Catherine McCurdy
Kelly McDowell
Charles Milam
Norma Pratt
Wayne Powell
Jeffrey Sallee
Andrew Stern

EXCUSED ABSENCES

Thomas Barnes, Chair
Clare Bronowski,
Vice Chair
Ronald Chatman
Rosi Dagit
Gary Dimkich
Jeffrey Jennings
Don Rohrer

STAFF PRESENT

Santos Kreimann, Director
Kerry Silverstrom, Chief Deputy Director
Dusty Crane, Chief, Community & Marketing
Services Division
Charlotte Miyamoto, Chief, Planning Division
Wayne Schumaker, Chief, Facilities and Property
Maintenance Division
Garth Canning, Chief, Lifeguard Division, Los Angeles
County Fire Department
Catrina Love, Community & Marketing
Services Division
Penelope Rodriguez, Community & Marketing
Services Division
Lucie Kim, Community & Marketing Services Division
Dona Kordich, Community & Marketing Services
Division
Pamela Miller, Community & Marketing Services
Division
Cesar Espinosa, Planning Division

GUEST SPEAKERS

None

MEETING LOCATION

Burton W. Chace Park Community Room

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Commissioner McCurdy called the meeting to order at 9:45 a.m. and stated the Chair and Vice Chair were not present so she would Chair the meeting. Commissioner McCurdy mentioned Mrs. Crane was retiring and asked her to lead the Pledge of Allegiance. The Commissioners, staff and the public stood and recited the Pledge of Allegiance.

2. **APPROVAL OF MINUTES**

Commissioner McCurdy stated there was no quorum to approve the minutes yet.

3. **SPECIAL PRESENTATION**

None

4. **OLD BUSINESS**

None

5. **NEW BUSINESS**

C. Beach and Harbor Use Permit Policy Revision

Commissioner McCurdy asked the Commissioners if it was alright to start with Item 5C because so many people from the public were here to speak on the Use Permit Policy revision and move the presentations to later in the meeting or postpone them until the next meeting. There were no objections. Commissioner McCurdy explained this is a discussion only item today, and will be moved to action at the next meeting. She also asked the public to keep their remarks to three minutes or less.

Mrs. Crane told the Commission the current Beach Use Permit Policy was adopted in 1984 and has served the Department well for 25 years but is somewhat outdated. With the high demand for recreational use for public and organized groups it became imperative to change to something more formalized and structured. The beaches have increased permitted and non-permitted activities, which have caused challenges. There are also planned changes to the Beach ordinance; we want to make sure there is space available for both permitted activities and public use. For the policy revisions, the Department asked for advice from L.A. County Lifeguards regarding camp minimum requirements, camp locations, and rules and regulations. Australia has a very similar situation to L.A. with their heavily used beaches and we have adopted some of their policies. The new policy will take effect January 1, 2012. Now there are four categories, 1) Co-sponsored - events, i.e. Boat Parade, International Surf Festival, that DBH share in the planning and/or development and are always free to the public. 2) Community Services events - Groups that we work with for beach clean ups, i.e. Court Referrals, Heal-the-Bay. 3) Events, broken into two parts, Basic events-50 people or more with no services needed no catering or gross receipts. Basic Plus events-Catering, alcohol, sponsorships, participating fees, etc. 4) Recreation Camp and Physical Fitness Training – There will be two components to the locations; one will be the offer on the location as well as the offer on gross receipts. Mrs. Crane said the way to request a permit is changing. In the past you work with staff and reserve a date, but sometimes the events fall through after reserving a date. The change will be to pay the \$200.00 permit application fee before you can reserve. If the event gets cancelled 15 days before the event, 50% of the fee will be refunded. Recreation Camp and Physical Fitness Training permits will be rewarded based on a point system consisting of financial remuneration, percentage of gross receipts, experience in running similar camps, credentials, operational plan and your performance history with the Department and/or other agencies. Applicants must apply and pay the \$200.00 administrative fee per location. Applicants, when bidding for a designated beach location must submit the minimum bid per location of \$100.00, plus a percentage of gross receipts between 10 and 25 percent. The 3-year permit will have a 2-year option period and a maximum of 10 years for a camp use permit. Applicants that are unsuccessful will be refunded 50% of the paid administrative fee.

Commissioner McCurdy asked if the commissioners had any questions before public comments. Commissioner Dougher asks how the weight factor system would work. Mrs. Crane said there were four categories, each category being 1-25 points so the highest score would be 100. Commissioner Dougher asks if staff would make that determination. Mrs. Crane said the lifeguards did not want to participate in the process so other outside agencies would be asked to participate. Commissioner Dougher asks how weddings and memorials would be handled. Mrs. Crane said there were wedding packages at some of the facilities; if it's a basic wedding no caterer or anything you will pay the \$200.00 permit fee. Commissioner Pratt asks how the percentage of gross receipts would be determined from the range of 10–25 percent and what if the provider experienced a loss such as bad credit card charges. Mrs. Crane answered the permit is the requestors responsibility. Gross receipts sliding scale has been cities pay 10%, most others pay 15% except surfrider is at 25%. We look at demand and impact. Before the event submit estimated gross receipts and by 30 days after the event you pay the actual amount and if you have overpaid you will get a refund. Commissioner Milam asks what if an inexperienced beach camp outbids an experienced beach camp. Mrs. Crane said all factors will be weighted and evaluated fairly. Commissioner Milam asked if a beach camp has a lower percentage will they be excluded from participating at a particular site that they currently have. Mr. Kreimann responded DBH is trying to accomplish a fair process for all the beach camp operators. There will be more demand in certain locations then others and we anticipate a number of proposals submitted for evaluation. DBH will have to establish a process that not only takes price into consideration but the longevity and the integrity of the operation as well. We can take the 60/40 split into consideration. If we feel the operation and the history of the operator is more important than the price, than that's something that can be adjusted. We understand the concerns of the long time operations in specific areas but we need to establish a fair level playing field for everybody trying to operate a camp on the beaches. The system we have is a first come, first serve basis, it has worked for quite some number of years, but there is a long waiting list that people have been on for years. In fairness to them we need to have a process in which they can compete for sites. Commissioner Dougher asks will something be written in the procedures that would indicate when the percentages could vary. Mr. Kreimann said management was talking about different scenarios there is still a lot to work out. Commissioner Dougher asks if there would be an appeals process. Mr. Kreimann said a couple of options were being looked at one would be for the Beach Commission to be part of the process another would be to appeal to the Director, we are looking for suggestions on this. Commissioner McDowell asks what distinction would be made if any in the evaluation process or fees with respect to for-profit applicants versus non-profit applicants. Mr. Kreimann answered they should be handled the same. Some of the things under discussion are the form of payment if the non-profit group has specific programs that does outreach to at risk youth in the inner-city some of the payment could be in in-kind services instead of formal payment is a possibility. The camps all charge pretty much the same fee so it's difficult to show any favoritism between the two. Commissioner Milam asks if a Beach Commissioner could be in on the permit review process as well as the appeal process. Mr. Kreimann said that was definitely under consideration.

Commissioner McCurdy asked for public comments and asks them to please keep the comments to two minutes.

Ian Garman on behalf of Aqua Surf School commented that enforcement is a big thing and asked what is the enforcement plan? What would be the methods so there would be fair opportunity for everyone?

Allen King, Aqua Surf - Was grateful for this change and is very excited to see the progress and is in favor of the new policy. Mr. King said his experience on the beach in the past has been challenging and he has been waiting for the opportunity to work with L.A. County and have a beach camp.

Marion Clark, Surf Academy – Ms. Clark said the changes seem fair. Surf Academy has had a beach camp with DBH for over ten years and holds two permits. Surf Academy works closely with the lifeguards, so she was concerned about the lifeguards not wanting to be involved in the process of permit evaluations. Ms. Clark wants to know how DBH will know what is a safe surf school and how does Surf Academy work with these changes. She said their school asks the lifeguards questions and if they don't want to be a part of the process then where does the school go. Chief Canning responded the lifeguards are not divorcing from the process they are working with DBH setting up good, safe standards, talking about levels of training and other things, but where the lifeguards need to avoid any appearance of conflicts of interest is there is a lot of our recurring part-time lifeguards who run surf camps, work for surf camps or whose children work for surf camps. Chief Canning said the lifeguards will be very involved in designing of the program, how it's run, how it's maintained and enforcement. But they need to step back when it comes to picking which group gets the permits. That's where they draw the line. Ms. Clark asked if they had thought about issuing a set of standards and guidelines like the schools have in Australia. Chief Canning responded they are working with DBH updating last year's version. Mr. Kreimann commented that DBH does intend on looking at past performance, history of the existing camps and talking to the lifeguards about their experience with those camps. Ms. Clark asked if the lifeguards are not going to help pick camps what other agencies would DBH be working with. Mr. Kreimann said, DBH have our own internal policies. We'll be checking references and talking to the lifeguards regarding experiences with existing camps as well as what is in your application. Mr. Kreimann said, we will be doing a very thorough evaluation of every proposal and we will always do what's in the best interest of the public. Ms. Clark commented that DBH has always been very fair. Commissioner McCurdy asked Ms. Clark if she was generally in favor of the way the policy is written. Ms. Clark said the one thing she was nervous about was the for-profit versus non-profit.

John Jones, Community Services Director, City of Torrance – Mr. Jones was concerned about the new fee structure. The City of Torrance offers classes on the beach especially for the youth. The classes are offered at affordable prices. The new fees may price the programs out of existence for the youth. Mr. Kreimann commented DBH has made the decision and has sent letters to cities that use county beaches that there is a need for the cities to start paying a fee. Historically the cities were never charged. What is being asked of the Municipalities is different from private camps. If the city is providing services on the beach using city personnel to operate those programs, there would be a master permit for the \$200.00 fee. That is for all the programs that season, no gross receipts. Some cities do contract with private providers for some services; they collect a fee and split the fee usually 70% to the operator and 30% to the city. The city is benefiting so should the County because of the services provided on the beach such as lifeguards. It is lower than the usual 10% to 25% fee. It's a reduced fee and was done that way because we know the cities and hurting as well as the County. Mr. Jones said the new fees will take services off the beach.

Kirk Lantz, Alive Surfing – Mr. Lantz asked how could it be fair to a “mom & pop” operation to compete with multi-million dollar companies when they can come in with higher bids and he would be priced out. He also wanted to know how this would affect the high schools in the area and beyond with surf programs. Mr. Kreimann said we are taking questions now and would respond in writing later and follow up with another meeting. Mr. Lantz asked if bigger companies would be able to buy multiple permits up and down the coastline and not give other people an opportunity.

Alec Hunter, Superstar Fitness Boot Camp – Mr. Hunter said he was concerned about the waiting list. He is on the waiting list and has been for several years for a beach boot camp and wants to know what will happen with the changes. He is also concerned about larger companies coming in with more money and start a beach camp where he has been located for ten years. He also is concerned about enforcement.

Eric Naftulin, Aloha Beach Camp - Mr. Naftulin said he noticed more day camp areas and less surf camp areas available under the permit process being proposed. He asked if surfing was allowed at the day camps and wanted to know the difference between the two camps. Mrs. Crane answered that the list he was looking at is from previous permits issued. When a permit was requested, the lifeguards would evaluate the check list, and would advise us where to place a camp. There are some good places to surf along the coast and some spots that are not and some places you cannot surf. Chief Canning said there is a limit to the time spent in the water for the day camps vs. a surf camp. Mr. Naftulin was concerned about the timing issue. Mr. Kreimann said DBH is aware of the marketing issue and knows applicants need to know the selected providers by the end of this calendar year so they can market their camps. Mr. Kreimann is hoping to get through the bidding process over the next 3 or 4 months and then get with the selected providers to work out the contracts. Mr. Naftulin commented that his concern is access, and hoped that a good history as a successful operator would be considered. Commissioner Milam asked what is a sufficient amount of time to be notified about the beach camps? Mr. Naftulin said the end of the year is ok but the sooner the better. Mr. Kreimann said the permits will be multi year, 3-5 year permits for the continuity for businesses. Commissioner Doyle asked whether it was the competition for these camps or is the issue that they had been running their camps the way they wanted and now the County is taking control. Mrs. Silverstrom stated the reason for the changes is the public sector is obligated to competitively bid contract or permits. For years, DBH has not done this and individuals have secured permits based on seniority. The evaluation panels typically have a variety of people on them, but as Chief Canning said because of the conflict of interest with the lifeguards they will not be serving on the panel: however their input will be very strong. The historical record on the beach, safety record and years of service all that will be given weight. The new organization that does not have history will be penalized for that. They won't be rated high in terms of the qualification of the applicant. We understand someone could come and do a 25% bid and then not meet that obligation. So part of the financial examination is looking at the capability to pay the 25% from an organization that has never done anything and does not have a client list. In terms of the evaluation panel, L.A. County Lifeguards won't be there but we have the opportunity to get in lifeguards from other beach coastal cities or counties that run operations like ours. We would give out the list of potential operators and ask the evaluators if they have relationships, and if they do, will have to recuse themselves. We will look for individuals with the same interest, which is the safety of the children that are coming to the beaches and giving them a wonderful recreational experience. The permittees have been treated differently that operate these camps, this is just bringing camp permits into line.

Commissioner Sallee stated that Chief Frazer had told the commission about the intense use of the beach right now that it keeps going up and probably will continue. So the experienced operators are the ones we could learn from and make sure their long-term operations are supported and encouraged. There will be other people interested in opening a business at the beach that doesn't know all the details that are involved. That's important to take into consideration when we move forward with issuing these permits. Commissioner Sallee asked Chief Canning if he had any numbers to share in terms of increase of beach use and beach business. Chief Canning stated that over the last fifteen years, it's gone from 0 to saturation point. There are no new spots for new permits, not just

because of open sand but parking and bathrooms. You can't put 3 or 4 camps in an area if there are no bathrooms for the children so pretty much all of the spots where people want to go are taken, with the balancing act of the business and public access. Mrs. Silverstrom stated there is a legitimate concern about enforcement. She said we will now have on-staff code enforcement officers and they will issue citations to unpermitted individuals, and we'll ask them to leave. We are working with the sheriffs so they can call for backup when needed.

Gilad Lewandovski, Kanoa Surf Camp – Mr. Lewandovski commented on his concern for quality and experience of the camp owners.

Mark Jerger, Kanoa Aquatics – Mr. Jerger stated the current system is not broken, it's been working for the last 14 years that he has been doing this. If you bring in new companies they will have to learn to work with the lifeguards. A study from the lifeguards and coalition of surf camps will help regarding safety, water and land issues and would benefit both sides. Commissioner McCurdy responded that he was concurring with the others comments relative to new comers vs. established programs. Mr. Jerger asks will there be an ordinance in place. Mr Kreimann answered yes. Commissioner McCurdy commented that it was on the agenda as well.

Patrick Murphy, Learn to Surf LA – Mr. Murphy opposes the bidding system and feels it compromise safety and destabilizes existing relationships between community experience camps. Mr. Murphy wants to encourage the Department to seek references from families and the public.

Donny and Ginger Young, West Coast Beach Tennis - Mr. Young said that his pilot program was successful and he is awaiting a ball ordinance on the beach. The court is the same as volleyball. Commissioner McCurdy asks about the ball ordinance. Mr. Kreimann said it is included in item 5B and to please save his comments for that topic. Mrs. Young concurred.

Sina Monjazebe, Sandy Days Kids Camp – Mr. Monjazebe had concerns about the highest bidder, and the safety of new camps.

Eric Colton, Fitness By The Sea Kids Camp, Inc. – Mr. Colton concurred with the concerns regarding new camps.

Michele Branconier, American Camp and Association of California Collaboration for Youth – Mrs. Branconier concern is about access and providing children with opportunities to go to the beach. She said the bidding process scared her. She concurred with other about the experience camps be priced out. Mrs. Branconier asks if the permit process is going to include field trips to the beach.

Jack Tingley, Beach Sports, Inc – Mr. Tingley said this is about the kids they employ as well as the kids they teach. Mr. Tingley asks if municipalities will have to bid for their locations. Mr. Kreimann answered yes. Mr. Tingley said that was unfair. He is concerned about the timeline about being notified and the way non-profits are being handled. Mr. Tingley said we should have a study session because that would benefit everybody.

Harold Gordon, Camp Kinneret Day Camp – Mr. Gordon said he is not a beach camp but each summer they take kids to the beach 3 or 4 day a week for about 3 hours and does not charge extra for the trip. Mr. Gordon wants to know if he needs a permit. Mrs. Silverstrom stated what should be occurring in his case is he should be paying a percentage of his day camp fee. She stated that this is not the process for his camp. Mr. Gordon said he would stop coming to the beach if they start

charging him. Mrs. Silverstrom said it is taxpayer funds that fund the beach services and there will be service curtailments this summer because of lack of funds.

Commissioner Milam commended the Department for a tremendous marketing program, but this is a revenue making program and is to go before the Board to approve this process of increased revenue. He feels very vulnerable because of the fee increase. The Commissioner understands the need to offset taxpayer dollars but feels the real need should be addressed and fully explained.

Lorraine Johnson, Kayaks4Kids – Ms. Johnson said she is very concern as a non-profit that does not charge. She also is concerned about being priced out in the bid process. Commissioner Sallee asks how many kids were in her program. She answered about 40. The Commissioner also asked if she had a large enough group to need a permit. Mrs. Silverstrom said she did not know we had groups that did not charge and the group of less then 50 people don't need a permit does not apply because of the organized recreation.

Dennis Marlow, Beach Volleyball Camps – Mr Marlow does not agree with the bidding process and thinks if is unfair.

Mr. Kreimann told the public to address questions or concerns to him in an email and also mentioned that the Department is on Facebook and Twitter. He also mentioned that this would be on the next Beach Commissions agenda.

Commissioner Sallee asks if there was going to be a study group. Mrs. Silverstrom agreed this is a good idea and would figure out a date to meet in the next two weeks.

Commissioners Dougher asked how the questions will be answered that were asked today before the next meeting. Mr. Kreimann said they will be posted on our web page.

Chris Brown, Camp Surf – Mr. Brown disagrees with the bidding process but thinks the rest of the policy is good.

Commissioner Powell thinks it is a well thought out policy. The commissioner is concerned that minority programs, handicapped program not be shut out. He mentioned the cities had low cost programs and with the 70%-30% contracts they have, the 30% get used in other cost. He also is concerned about the bidding process.

Commissioner McDowell was concerned about proposition 218 in connection with the fee structure and if it would impose limitations. The Commissioner thinks the permits should distinguish between for-profit and non-profit, and the waiting system should be published and made part of the process.

Commissioner Sallee said it's important to measure success for this proposal. The Commissioner also stated that the County has to choose the best lowest bidder not just the lowest.

Commissioner Dougher thanked the public for attending. He has concerns about treating everyone equally in the evaluation process, and after the fact and that be included in the process.

Commissioner Milam commented that this came up fast and an item of this importance they should have gotten more notice. Mrs. Silverstrom said the lateness of the notice is her fault and not other staff.

Mr. Kreimann said it was his decision to go forward with the meeting instead of postponing.

Commissioner McCurdy asked the Commissioners if they were ready to vote on item 5D the Non-Exclusive Beach Beverage Sponsorship, the Commissioners agreed. **Commissioner McDowell moved, for a motion to approve the Non-Exclusive Beach Beverage Sponsorship seconded by Commissioner Stern. Motion was carried unanimously.**

Commissioner McCurdy asks what constitutes a quorum. Mrs. Silverstrom said DBH is looking for rules regarding the Beach Commission. Commissioner McCurdy asked for a motion to approve the minutes from the last meeting. **Commissioner Powell moved, for a motion to approve the minutes from the last meeting, seconded by Commissioner Pratt. Motion was carried. Commission McDowell abstained because he was not a commissioner yet.**

Commissioner McCurdy asked for public comments regarding item 5B.

Lucy Streeter, West Coast Beach Tennis – Ms. Streeter was hopeful the ball ordinance will be passed for beach tennis. Ms. Streeter explained the rules to the Commissioners.

Commissioner McCurdy said this will be revisited in the next meeting as well. Commissioner McCurdy asked for written reports to be received and filled.

Chief Canning commented on the Tsunami that occurred a few weeks ago, and said their staff was notified around midnight. The big thing was they were expecting a 3-foot tidal surge, but the decision was made to keep the beaches open and have staff warn people to stay away from the jetties and everything else. The advantage was the information they got was accurate and the damage amounts were not too bad. They learned the planning in the past was successful. There are a few things to be improved in the future but overall they were pleased with their response. Mr. Kreimann said he asked facilities what would happen to our equipment if we had a few hours notice and commented that DBH should educated the public more on Tsunamis. DBH is in the process of putting something together. The media was getting information from our Twitter and Facebook. Chief Canning said his Department is working under constraints and they are cutting back. The administrators were forced back into the field. If there are any other cutbacks, they will have lay-offs and close lifeguard towers.

Mrs. Crane introduced Penelope Pinckney and Catrina Love as her replacement until a decision is made on her official replacement.

ADJOURNMENT

Mrs. Silverstrom adjourned the meeting at 12:30 a.m.

NEXT MEETING DATE AND LOCATION

The next meeting is scheduled for April 27, 2011 at 9:30 a.m. at Burton Chace Park.

Respectfully Submitted,

Cheryl McGee
Commission Secretary