



KATRINA FOLEY

ORANGE COUNTY BOARD OF SUPERVISORS
FIFTH DISTRICT

COUNTY ADMINISTRATION NORTH
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April 23, 2024

Mayor Will O'Neill
Members of the Newport Beach City Council
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: OPPOSE – Fee Increases for Human Lift at Balboa Marina Public Dock

Dear Mayor O'Neill and Members of the City Council:

I write in opposition to the proposed fee increases for the Americans with Disabilities Act ("ADA") accessible human lift at Balboa Marina Public Dock included within Item #14 on the April 23, 2024 meeting agenda of the Newport Beach City Council. This ADA accessible human lift is designed to provide disabled users of the public dock with affordable access to the facilities, which are located on public tidelands. Unfortunately, these proposed fee increases defeat this purpose by creating significant financial barriers for persons who already face physical barriers to dock access and may be in potential violation of the ADA.

The proposed fee of \$117 for the use of the ADA accessible human lift at the Balboa Marina Public Dock presents an unnecessary barrier for low-income users of the facility. The justification for this fee does not take into account medical or personal emergencies that may be beyond a users' control. Public facilities, especially those that serve physically disabled residents, should not have barriers to their use by the governing authority. In addition, the inclusion of this ADA accessible lift in this public dock system on public tidelands is a requirement of Section 25 of the lease agreement between the County of Orange and the City of Newport Beach, dated March 19, 2024, which reads in relevant part: "In addition to the foregoing ADA compliance required of [City], [City] shall provide an accessibility lift to facilitate access and use of the public docks and vessels tied thereto for disabled and handicapped boat users, including those in wheelchairs. Tenant shall also provide a means for the public to reserve use of the wheelchair lift. The wheelchair lift shall be operated by Tenant at Tenant's sole cost and expense." While this lease section does not speak directly to the ability to charge a fee, the implication is that the lift should be open and available to "disabled and handicapped boat users, including those in wheelchairs." Creating an onerous fee structure that would impair the access to the lift could be contrary to this lease provision

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and the very idea of creating ADA accessible accommodation. Therefore, we urge the City to reconsider this fee as it may be applied to granting access to disabled users of the public dock.

If you have any questions or need additional information regarding the situation, please contact Alyssa Napuri, my Deputy Chief of Staff, at (714) 558-3550 or Alyssa.Napuri@ocgov.com. Thank you for your attention to this request.

Respectfully submitted,



Katrina Foley
Orange County Supervisor, Fifth District

Cc: Grace Leung, City Manager of Newport Beach