
Purpose:

To establish procedures for origination, consolidation and maintenance of slip waitlists for individuals seeking boat slips in the Dana Point Harbor from Dana Point Harbor Partners, LLC, or its designated management company ("DPHP").

Policy:

Marina waitlists are created to assure slips are made available on fair and reasonable terms without discrimination. To assure transparency going forward, DPHP will institute a procedure for waitlist validation that maintains the confidentiality of persons on the waitlist by allowing a representative of the boater community to confirm its integrity on a regular basis.

Waitlist applications are accepted on a first-come, first-served basis in the order received. No applicant can be on multiple waitlists. Each slip size will have its own, separate waitlist. Provided, however, as long as there are two managers in Dana Point Harbor, each management company will maintain their own existing waitlist for their portion of the harbor. Prior to the Merger of the Waitlists, as outlined below, for the two management companies, an applicant may appear on each management company's waitlist for the same size boat. Once the waitlists have been merged pursuant to this policy, no applicant can be on a waitlist more than once.

Procedures:

Account No: An account number is assigned to each new waitlist applicant when the application is accepted into a waitlist by DPHP.

Applicant (waitlist): Must be an individual, no trusts, partnerships or corporations may apply. Waitlist applications are non-transferable and any applicant who attempts to transfer such application will have their application voided at the sole discretion of DPHP.

Approval: All waitlist applications and placement procedures must be reviewed for final approval and consistency with this policy by DPHP prior to the applicant being placed on the waitlist.

Administration Fee (waitlist): \$500 Administration Fee is paid by applicant to secure their position on the waitlist and current waitlist applicants will have their deposits applied thereto with any overages returned. When a waitlist applicant accepts an available slip, satisfies his or her eligibility and enters into a slip license agreement, the Administration Fee will be applied to the first month's rent. If an applicant does not enter into a Slip License Agreement when offered, the applicant's Administration Fee will not be refunded and they will be removed from the waitlist.

Length overall (LOA): The maximum distance by which any boat (including all extensions such as swim steps, booms, bait tanks, etc.) may project beyond the end of the berth into the waterway shall be 10% of the length of the slip unless otherwise permitted in writing. Additionally, the beam (width) of a Vessel may not exceed, in any area of the Vessel, more than 90% of the width of the slip and must allow for the installation of adequate bumpers and appropriate other dock/vessel protection. Vessel must be the appropriate LOA for the requested waitlist slip. **It is the responsibility of the applicant to determine the slip size required because DPHP will confirm LOA when the licensee takes possession of a slip and vessels must meet the**

foregoing requirements.

Licensee of Record: (LOR) An individual who has waited his or her time on the appropriate marina waitlist and has signed a Slip License Agreement for a marina slip. A LOR must have an ownership interest equal to or greater than that of all partners, but in no case less than 20%.

Log Book: The applicant shall sign the marina log book to ensure that applicant's place on a waitlist. If the application is submitted by fax, mail or e-mail, then a customer service representative will date the log book on behalf of the applicant, but the applicant must appear at the marina office with ID to sign and verify within five (5) working days. Failure to appear, sign and pay within such time period will invalidate the application. The log book date verifies the chronological placement of the applicant on the waitlist.

Slip Acceptance: Once an applicant has reached the top of the waitlist he/she has five (5) working days to accept an available slip once notice is given. To accept a slip an applicant must prove eligibility by providing current:

- Personal information including residential address, phone numbers and emergency contact.
- Current vessel insurance with the minimum single limit liability as required in the slip license.
- Payment of all initial slip fees as required.

Applicant will be removed from the waitlist and their Administration Fee will not be refunded if the applicant fails to meet the foregoing. If the LOR does not have a vessel, then the LOR will have up to six (6) months to procure a qualifying vessel for the slip. During the procurement period, the LOR will be required to enter into a Slip License Agreement and be responsible for all obligations thereof, including, but not limited to, the payment of slip fees. During the procurement period, LOR will be eligible to sublease the slip pursuant to Section 23 of the Slip License. The six (6) month procurement period may be extended only by obtaining the advance, express, written permission of DPHP, which may be given or withheld in its sole discretion.

Co-applicant: Co-applicants are limited to a spouse or domestic partner on the waitlist application. An identified spouse or domestic partner is considered a co-applicant and will be named as co-licensee if identified at the time of the slip assignment.

Termination: Prior to being offered a slip, the applicant may terminate (cancel) their waitlist by submitting a written notice. Notice must be dated and signed by the applicant. The Administration Fee will be refunded upon applicant coming to the marina office, presenting ID and signing themselves out of the log book.

The Marina may terminate a waitlist application without refund of the Administration Fee if the applicant fails to:

- Respond to written notification (either US mail or electronic mail).
- Accept a slip upon reaching the top of the waitlist.
- Or if the applicant:

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- Is a former Licensee whose Slip License Agreement has been terminated.
 - Has a vessel with an LOA that doesn't meet the slip size of the waitlist or the vessel standards of the marina.

Merger of the Waitlist: DPHP intends to unify the management of the marinas with a single management company. At that time, the waitlists will be merged by slip size categories. The merger will take the top spot of one waitlist and then take the top spot off of the other waitlist and continue to alternate until the lists are merged. If an applicant is on both waitlists, the applicant will retain their higher placement, and their subsequent placements will be deleted. If an applicant is on both waitlists, then applicant will be refunded one of their Administration Fees.

Existing Tenants: DPHP will seek to accommodate all current tenants in its redeveloped marina. However, if any current tenants are displaced in the marina redevelopment project, then that tenant shall be provided waitlist priority in the same size category as its current slip by going to the top of the appropriate waitlist.

PROCESS AND RESPONSIBILITIES

General responsibility rests with the general manager. The general manager delegates responsibilities for waitlist origination and maintenance to the customer service staff. General manager issues final approval on all waitlist applications and placement procedures.

CUSTOMER SERVICE REPRESENTATIVE DUTIES

1. Application: Check dock software system for applicant's name. An applicant who has been terminated for past violation of the Slip License Agreement may not apply for waitlist status. (See general manager)
2. Create a "New Customer" on Dockmaster if applicant is not a current Licensee and has never been assigned an account number.
3. Verify vessel and personal information provided by applicant and enter into Dockmaster. It is not necessary for applicant to have a vessel at the time of application, but applicant is responsible for the size limitations of the waitlist applied to and should be so informed. Inappropriate vessel size can be cause for termination.
4. Secure a copy of applicant's photo ID and have them sign the log book. If legal spouse is party to the application, a photo ID copy should also be required of spouse.
5. Collect published Administration Fee.
6. Terminations/Cancellations. Administration Fee is refunded after receipt of a written notice by the applicant terminating their waitlist application prior to being offered a slip and the applicant presents valid ID when signing themselves out of the log book.