

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**DATE:** October 28, 2010  
**TIME:** 7:00 p.m. Regular Session  
**PLACE:** Woodley Island Marina Meeting Room

*The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 five (5) working days in advance of the meeting.*

1. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
2. **Pledge of Allegiance**
3. **Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on various issues not itemized on this agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on an item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.*

4. **Consent Calendar**

*Note: All matters listed under the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and considered separately.*

- a. Consideration of approval of minutes from the September 23, 2010 Board meeting.
- b. Consideration of purchase replacement wet-well lid for the Woodley Island Marina sewer pump station from Hilfiker Pipe Co. \$1,519.00
- c. Consideration of electrical contracting services by Ambrosini and Sons, Inc. for the Woodley Island Marina D-Dock sewage pump station replacement project. \$6,910.00
- d. Consideration of purchase of replacement parts for GEM Car #1 from GEM Cars of Roseville. \$1,368.19
- e. Consideration of purchase of replacement dock power center from Dock Boxes Unlimited for the end of Woodley Island Marina D-Dock. \$721.50

**5. Communications and Reports**

- a. Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other

**6. Non Agenda**

**7. Unfinished Business**

**8. New Business**

- a. Consideration of providing direction to District Staff on Employee's health insurance research.
- b. Consideration of approval of Director of Conservation recruitment process.
- c. Consideration of freezing all District salaries pursuant to Personnel Policy section 2010 effective July 1, 2010 until further action of the Commission.
- d. Consideration of instructing the District's Union Negotiating Committee to "meet and confer" with ILWU Local 14A regarding potential changes to Personnel Policies regarding retiree health insurance benefits.

**9. Administrative and Emergency Permits**

**10. ADJOURNMENT**



**MINUTES**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**October 28, 2010**

**PRESENT:**

Commissioner Curless  
Commissioner Wilson  
Commissioner Higgins  
Commissioner Marks

**ABSENT:**

Commissioner Pellegrini

President Curless called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

President Curless led those present in the Pledge of Allegiance.

**PUBLIC COMMENT**

Marion Liuzza, President of the District's employee union, Local 14A, read the following statement: "I would like to speak on behalf of the union. The negotiating committee read the minutes from the September 23 meeting under District Counsel's report. The underlying contents of the minutes are not factual and these actions are inappropriate and are in violation of collective bargaining state law. The union has not received a last best offer from the District. We stand behind our letter of October 25, 2010 and we ask that the letter be read into the record. We also request we meet to continue bargaining."

Tim Petrusha, a resident of Humboldt County, said he is proud of the work of the Harbor District and staff. He said these are tough times and urged the Board of Commissioners to focus on the District's port division because that is where the real money is. Build the port, bring in revenue.

**CONSENT CALENDAR**

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.  
COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- ❖ 10/18: CEO and Commissioner Wilson met with representatives from HSU and the aquaculture industry to discuss coordination of aquaculture expansion with HSU's proposed marine science center.
- ❖ Follow-up meetings with RREDC were held to discuss development of an aquaculture expansion plan.
- ❖ 10/19: CEO attended a North Pacific Landscape Cooperative meeting, a joint effort of the Fish & Wildlife Service and the Bureau of Indian Affairs to exchange information region-wide (North of San Francisco to Kodiak, Alaska) on climate change impacts.
- ❖ 10/21: CEO, as chair of the Harbor Safety Committee, participated in the Harbor Safety Committee Summit sponsored by OSPR.
- ❖ 10/25: CEO spoke to Eureka Rotary about District harbor projects, MLPA, aquaculture expansion and water trails.
- ❖ 10/26: The Blue Ribbon Task Force for the MLPA accepted the Unified Array that has been supported by at least 19 North Coast public agencies and 11 other organizations to date. Fish & Game will meet in February 2011 and will consider adoption of this array.
- ❖ CEO announced the District was not the recipient of any of the TIGER II grants; those ports who received funds generally were awarded grants to improve railroad to port connections.
- ❖ CEO announced the District's maintenance crew has refurbished the west-end tie of B-dock; removed all floats, metal work and wood and replaced or repaired the same. The Bar Pilots assisted with operation of the pontoon boat. CEO stated the marina is three-quarters through its design life and this is a way to extend its life and save the District millions in potential costs to replace.

**DISTRICT COUNSEL REPORT:** None

**STAFF REPORT:** None

**COMMISSIONERS REPORTS**

Commissioner Marks:

- ❖ Attended a fund raiser this morning for the local Boy Scouts.

Commissioner Higgins:

- ❖ Reported he counted over 1,000 salmon on the lower Eel River and caught a 30 lb. salmon off the bank.

Commissioner Wilson:

- ❖ Listened to a presentation by Stephen Pepper on short sea shipping to RREDC.
- ❖ Proposed starting an ad hoc budget committee for FY 2011/12 to formulate models for projections for future planning. Commissioners Curless and Wilson will be the FY2011/12 Budget Committee to work with staff and District Treasurer.

Commissioner Curless:

- ❖ Reported the MLPA Blue Ribbon Task Force is holding their meeting in Fortuna at the River Lodge.

**ADVISORY COMMITTEE REPORTS**

Commissioner Higgins:

- ❖ Stated the unification on the support for the array is a major accomplishment and the group is also interested in collaborative fish monitoring with the Harbor District as the lead agency.

**OTHER:** None

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

CEO spoke on the three personnel issues agendized under New Business. He stated that Public sector employees do not make, sell or manufacture anything; but only provide service. The District has well trained, responsible and responsive employees that provide a variety of services. Approximately 1/3 of the work force has been employed by the District for over 10 years. Public employees do not have the same benefits as those in the private sector; no bonuses or financial incentives. Salaries and benefits of public employees get negotiated in public. The one thing that often makes up for the lack of some of these opportunities and is an element that attracts trained and knowledgeable individuals is the benefit package. The employees understand it is the responsibility of the Board of Commissioners to oversee the financial condition of the District and have often made sacrifices (i.e. salary cuts, salary freezes) to assist the Board. He asked the Board to consider that the three personnel items (a, c and d) have the potential to further



negatively impact all the District employees which translates into impacts on employee morale, retention and ultimately the level of service to the community.

**A. CONSIDERATION PROVIDING DIRECTION TO DISTRICT STAFF ON EMPLOYEE'S HEALTH INSURANCE RESEARCH.**

CEO stated the move from CalPERS to ACWA eight years ago saved the District approximately \$10,000/year. Changing to SDRMA from State Comp for the Workers Comp insurance saved the District approximately \$40,000/year. ACWA rates will be increasing, therefore it is time to once again compare rates.

CEO recommended District staff be directed to repeat the standard approach where the best health plans for the cheapest cost through membership associations are researched. This approach is much less time-consuming than researching all available options and has historically yielded plans that save the District money and provide a meaningful employment benefit to the staff.

Commissioner Wilson said Health Savings Plans (HSA) provide the most savings and suggested staff research such plans, making sure to maintain the current benefit level, to bring a proposal back to the Board. Director of Administrative Services stated both ACWA and SDRMA provide HSA plans.

COMMISSIONER HIGGINS MOVED TO DIRECT STAFF TO EXPLORE HSA PLANS THROUGH MEMBERSHIP ASSOCIATIONS FOR COMPETITIVE RATES, MAINTAINING THE CURRENT LEVEL OF EMPLOYEE COVERAGE, RESEARCH AND RETURN TO BOARD FOR FURTHER DIRECTION. COMMISSIONER WILSON SECONDED.

Penny Hickey asked the Board to consider adding Health Maintenance Organizations (HMOs) to the research.

COMMISSIONER HIGGINS AMENDED HIS MOTION TO INCLUDE HEALTH MAINTENANCE ORGANIZATIONS. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF APPROVAL OF DIRECTOR OF CONSERVATION RECRUITMENT PROCESS.**

CEO stated at the last Board meeting, staff was instructed to return with a plan for recruitment to fill the Director of Conservation position no later than March 1, 2011. The open recruitment will begin soon and Adam Wagschal, Chad Roberts and CEO will comprise the interview panel. The position salary will begin at \$50,000, which is the same salary offered at the time of the last recruitment in 2008.

COMMISSIONER WILSON MOVED TO APPROVE THE RECOMMENDED RECRUITMENT PROCESS FOR THE DIRECTOR OF CONSERVATION POSITION. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Higgins asked to be a member of the interview panel.

**C. CONSIDERATION OF FREEZING ALL DISTRICT SALARIES PURSUANT TO PERSONNEL POLICY SECTION 2010 EFFECTIVE JULY 1, 2010 UNTIL FURTHER ACTION OF THE COMMISSION.**

District Counsel reported the Board of Commissioners adopted the FY2010/11 Budget without salary increases. He recommended the Board take action under Section 2010 of the Personnel Policy to freeze employee salaries effective July 1, 2010 until further action.



Commissioner Marks asked if this action would impact further negotiations with the employee union. District Counsel responded the Board of Commissioners can amend this action if necessary once there is agreement with the employee union.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF FREEZING ALL DISTRICT SALARIES PURSUANT TO PERSONNEL POLICY SECTION 2010 EFFECTIVE JULY 1, 2010 UNTIL FURTHER ACTION OF THE COMMISSION. COMMISSIONER WILSON SECONDED.

Commissioner Higgins said it is distasteful to not be in the position of giving raises to the employees and the Board of Commissioners continues to look for ways to increase revenue. However insolvency is looming and the Board must avoid a Chapter 9 situation.

Commissioner Marks suggested tabling this item until the next meeting for further discussion, since there are other personnel issues to be resolved that could affect this decision.

Commissioner Higgins did not wish to rescind his motion.

Marion Liuzza stated several thousands of dollars are saved for the District by the employees doing many jobs in-house that could be outsourced. He said this more than makes up for the small amount of financial impact a salary raise for the employees would create.

Commissioner Higgins thanked Mr. Liuzza for his comments and said these are facts the Board needs to consider when making such decisions.

COMMISSIONER MARKS DISSENTED. MOTION CARRIED.

**D. CONSIDERATION OF INSTRUCTING THE DISTRICT'S UNION NEGOTIATING COMMITTEE TO "MEET AND CONFER" WITH ILWU LOCAL 14A REGARDING POTENTIAL CHANGES TO PERSONNEL POLICIES REGARDING RETIREE HEALTH INSURANCE BENEFITS.**

District Counsel stated there is a dispute between the Board of Commissioners and the employee union regarding retiree health insurance benefits. He said regardless of the current benefits, the question is whether the Board wants to change the benefits. At the time the District was under contract with CalPERS for employee health insurance, retirement insurance benefits were a part of the contract. When the District moved the health insurance to ACWA, qualifying events were not made clear (i.e. age cut-off, number of years of employment with the District prior to qualification, etc). The Board at this time has the option to change or clarify the conditions under which retiree health insurance is available. Because this issue concerns the employee union, there is an obligation of the Board to "meet and confer" regarding changes to the Personnel Policy prior to the Board taking action.

CEO distributed information on comparisons with other local special districts showing benefits provided for retirees by others that are not provided by the District.

Commissioner Marks asked about the report done recently on retirement benefits as a part of new accounting requirement. Director of Administrative Services responded the actuary providing the report was given the District's Personnel Policy and current employee benefits information. The report is predicated on health insurance coverage provided for retirees, their benefits and no cut-off date.

CEO stated there is also the District's unrepresented employees that will be affected by changes made to the Personnel Policy.

Commissioner Wilson asked how to keep discussions in open session and those in closed session from overlapping. District Counsel stated in open session the Board can discuss if they want to revise the Personnel Policy and what changes to make. The Board would then give direction to Commissioners Marks and Curless to meet and confer with the employee union.

Commissioner Wilson said retiree health insurance benefits should be available to eligible employees; but a determination should be made on number of years of employment to be eligible, age, percentage of premium paid by the District, lifetime benefits or to the age of 65, etc. He suggested this item be tabled until the next meeting.

Commissioner Marks asked if the item could be tabled and then discussed under Closed Session at the next meeting. District Counsel stated the only issue that can be discussed in Closed Session is the status of the union negotiations.

COMMISSIONER MARKS MOVED TO TABLE THIS ITEM. COMMISSIONER HIGGINS SECONDED.  
MOTION CARRIED WITHOUT DISSENT.

Marion Liuzza stated when he came to work at the Harbor District it was with the understanding he would have retiree health insurance benefits.

Penny Hickey said she understood retiree health insurance benefits were available when she came to work at the Harbor District. It was one of the benefits that attracted her to the Harbor District.

Penny Hickey, speaking for the union negotiating committee, stated the union had heard nothing resulting from the last Board meeting and are still willing to meet and bargain for a new union contract. She said the union does not believe they are at an impasse. They gave the Board a proposal for the September 23 Board meeting and have heard nothing so they assume negotiations are still ongoing.

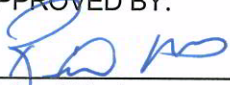
District Counsel said the Board had given the union a proposal to accept or not and the union responded with a counter proposal for the Board to consider.

Commissioner Marks said there is still no agreement as to the retirement benefits; there would be an agreement now if there were an agreement on the benefits.


ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:29 p.m.

APPROVED BY:

  
\_\_\_\_\_  
Richard Marks  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Patricia L. Tyson  
Director of Administrative Services