

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

**DATE:**            **October 8, 2009**

**TIME:**            **6:00 p.m. Executive Closed Session**  
                      **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 at 6:00 p.m.**
  - a. **Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54957.6 (Negotiations with Represented Employees)**

1. Conference with Labor Negotiator

Agency Negotiator: Chief Executive Officer, District Counsel, District Treasurer, two (2) or less of the members of the Board of Commissioners.

Employee organization: As recognized by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, including International Longshore and Warehouse Union, Local 14A.

2. **Adjourn Executive Closed Session**
3. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
4. **Pledge of Allegiance**
5. **Report on Executive Closed Session**
6. **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.*

**7. 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. Approval of minutes from the September 24, 2009 Board Meeting.
- b. Consideration of Permit and Agreement to Operate *Jenna Lee's Seafood* at Woodley Island Marina
- c. Consideration of revisions to the District's Employee Personnel Policies.
- d. Consideration of purchase of carpet, including removal of existing carpet and installation of new, from Carpet Depot \$4,600.00

**8. Communications and Reports**

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

**9. Non Agenda**

**10. Unfinished Business**

**11. New Business**

- a. Consideration of approval of Resolution 2009-12 Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.
- b. Consideration of accepting for filing Permit 09-07 to James Roberts Sr. for dock, gangway and deck replacement.

**10. Administrative and Emergency Permits**

**11. ADJOURNMENT**



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

**October 8, 2009**

**PRESENT:**

Commissioner Curless  
Commissioner Wilson  
Commissioner Higgins  
Commissioner Hunter

**ABSENT:**

Commissioner Pellegrini

President Hunter called the Executive Closed Session to order at 6:03 p.m. Executive Closed Session adjourned at 6:42 p.m.

President Hunter called the regular meeting of the Board of Commissioners to order at 7:01 p.m.

President Hunter led those present in the Pledge of Allegiance.

President Hunter stated Commissioner Pellegrini was absent due to a death in her family and asked everyone to keep her in their thoughts.

District Counsel reported on the Executive Closed Session as follows: Conference with Labor Negotiator – No action taken.

**PUBLIC COMMENT**

Susan Penn said it was good to see activity in the bay, speaking about the ship that brought in the PG&E engines.

Stephen Pepper remarked at the number and size of the engines to be delivered to the site of the PG&E power plant.

Ted Kuiper announced a dedication ceremony on October 14, 11 a.m., at the Christensen Ranch. The ceremony will be held to honor the Coast Guard service during World War II when the local beaches were patrolled on horseback and on foot. Mr. Kuiper thanked the Harbor District for their participation in this important event and invited everyone to attend.

**CONSENT CALENDAR**

Commissioner Wilson pulled items C & D for further discussion.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF THE REMAINDER OF THE CONSENT CALENDAR CALENDAR. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item C: President Hunter stated the revisions to the Personnel Policies, if approved, should be retroactive to July 1, 2009.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF THE REVISIONS TO THE DISTRICT'S EMPLOYEE PERSONNEL POLICIES TO BE RETROACTIVE JULY 1, 2009. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

President Hunter asked staff for a report on the urgency of the carpet installation. Director of Administrative Services stated the District was recently given several office modules from the Corps of Engineers' office; and since the

carpet in the main building where there is high foot traffic has not been replaced for several years it was a good opportunity to replace the carpet and paint offices during the installation of the new office modules. Commissioner Curless said he thought it was well time the carpet was replaced.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF PURCHASE OF CARPET, INCLUDING REMOVAL OF EXISTING CARPET AND INSTALLATION OF NEW, FROM CARPET DEPOT NOT TO EXCEED \$4,600. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

## CEO REPORT

Director of Administrative Services read the CEO report since CEO was out of town at a CMANC meeting:

- ❖ The ship delivering the PG&E engines called at Schneider dock on Sept. 28 and sailed Oct. 6. Engines and other components are being stored temporarily at Schneider dock.  
The crane company that will move the engines to the power plant has been in contact with the District and is currently negotiating use of the District's Fields Landing Boat Yard. The concept is to load the engines onto a barge at Schneider's property and barge them to a portion of the Kramer Dock for unloading.
- ❖ The Bar Pilots have also been working with NOAA on ground-truthing the recent multi-spectral analysis (aerial photos) that NOAA recently made. They will be working with NOAA again next week.
- ❖ Maintenance Department continues to make good progress on replacing metalwork on portions of Woodley Island Marina. The District has saved potentially \$170,000 by doing the work in-house.
- ❖ The Draft MOA for the coastal regional committee on the MLPA has gone out to 15 other coastal agencies in Mendocino, Humboldt and Del Norte counties. The next step will be to receive their responses and gauge their interest; then develop a final draft MOA to send around for potential Board action by each agency. CEO will keep the Board of Commissioners informed as this develops.

**DISTRICT COUNSEL REPORT:** None

## STAFF REPORT

Director of Administrative Services said Ted Kuiper has been putting together the Coast Guard dedication ceremony since before last April. He has had communications with the Coast Guard in Washington DC and the local groups. Mr. Kuiper has paid for the plaque, the mounting of the plaque and all the amenities for the ceremony on his own, all from his feeling this piece of our local history should not be forgotten and those serving in the local Coast Guard should be remembered for their dedication and thanked for their service.

President Hunter said Mr. Kuiper should also be thanked for his efforts and asked staff to draft a resolution for Board of Commissioners consideration.

## COMMISSIONERS REPORTS

Commissioner Curless:

- ❖ Reported the Shelter Cove Breakwater Rehabilitation Project is progressing.

Commissioner Wilson:

- ❖ Suggested the Board of Commissioners visit the levee project in North Bay near the Mad River Slough. He said the work to protect the 100-year old levee is impressive.

Commissioner Hunter:

- ❖ Thanked staff for keeping the Board of Commissioners informed during the tsunami warning. Fortunately there was no increased wave action around Humboldt Bay.



## ADVISORY COMMITTEE REPORTS

Commissioner Wilson:

- ❖ Reported the next Economic Development Committee meeting will be held on October 28 and will focus on aquaculture. The September meeting centered on restoration and the economic impact to the area. Commissioner Higgins said permitting and the time and costs involved have been a talking point among the restoration, commercial industry and aquaculture representatives. Stephen Pepper asked if the Harbor District could fulfill an umbrella role in local permitting. Commissioner Higgins said the District has good will around the bay from other agencies.
- ❖ Stated on October 19 the Redwood Marine Terminal Advisory Committee, District Planner, Director of Maritime Commerce and CEO will interview four of the six consultant teams who responded to the RFQ for the Redwood Marine Terminal. Stephen Pepper asked if there is funding for the project. Commissioner Wilson responded there is no funding yet and the applicants understand this.

Commissioner Higgins:

- ❖ Reported he spoke with Mitch Stogner, NCRA, about the loan from the Harbor District and will attend their Board meeting on October 14. He said it appears repayment will be a hardship for NCRA and will initiate the dialogue for resolution.

**OTHER:** None

## NON-AGENDA

Commissioner Higgins said it had come to his attention after the posting of this meeting's agenda that there is a need for a letter to be sent to Ken Wiseman, Executive Director of the MLPA Initiative requesting an extension of the time period during which to submit alternative MPA arrays. He requested the Board of Commissioners approve this item for immediate action.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL PLACING ON THE AGENDA FOR CONSIDERATION OF SENDING A LETTER TO KEN WISEMAN OF THE MLPA INITIATIVE AS IMMEDIATE ACTION. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**UNFINISHED BUSINESS:** None

## NEW BUSINESS

**A. CONSIDERATION OF ALLOWING PRESIDENT HUNTER TO SIGN A LETTER TO KEN WISEMAN, MLPA INITIATIVE, ON BEHALF OF THE HARBOR DISTRICT.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ALLOWING PRESIDENT HUNTER TO SIGN A LETTER TO KEN WISEMAN, MLPA INITIATIVE, ON BEHALF OF THE HARBOR DISTRICT. COMMISSIONER CURLESS SECONDED.

Commissioner Wilson said he did not like the tone of the letter presented by Commissioner Higgins and asked for the Board of Commissioners to review it before sending.

Once the Board of Commissioners reviewed the letter, Commissioner Wilson made a friendly amendment to Commissioner Higgins' initial motion and Commissioner Higgins accepted. Commissioner Curless agreed also.

MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson asked for the original Item B of New Business be moved ahead of Item A.

**B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT 09-07 TO JAMES ROBERTS SR. FOR DOCK, GANGWAY AND DECK REPLACEMENT.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF ACCEPTING FOR FILING PERMIT 09-07 TO JAMES ROBERTS SR. FOR DOCK, GANGWAY AND DECK REPLACEMENT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF APPROVAL OF RESOLUTION 2009-12 APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.**

D. COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2009-12 APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH. COMMISSIONER CURLESS SECONDED.

ROLL CALL VOTE WAS TAKEN:

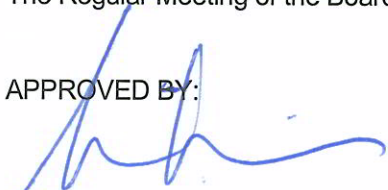
COMMISSIONER PELLEGRINI - ABSENT  
COMMISSIONER CURLESS - AYE  
COMMISSIONER WILSON - AYE  
COMMISSIONER HIGGINS - AYE  
COMMISSIONER HUNTER - AYE

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Regular Meeting of the Board of Commissioners adjourned at 8:43 p.m.

APPROVED BY:

  
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Mike Wilson  
Secretary

RECORDED BY:

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