

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

DATE: May 14, 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 paragraph 9 of the Agenda, Executive Closed Session involving the provisions of the California Government Code Sections 54956.5, 54953 et seq., 54956.8, 54956.9, 54956.95, 54957, 54957.1, 54957.6 and 54957.7 as set forth in the Executive Closed Session of paragraph 12 hereafter.**

2. **Call to Order Regular Session at 7:00 p.m. and Roll Call**

3. **Pledge of Allegiance**

4. **Report on Executive Closed Session**

5. **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.

6. **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 April 23, 2009 Board meeting.
- b. Consideration of payment to Marine Travelift for parts for the Travelift \$974.44

7. Communications and Reports

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

8. Non Agenda

9. Unfinished Business

10. New Business

- a. Consideration of Approval of Resolution 2009-05 to accept grant funds from the California Department of Fish and Game for Oil Spill Response Equipment.
- b. Consideration of approval of Agreement with Les Fernandes, dba *Fish On Bait, Tackle and Charters* to operate a charter sportfishing business from Woodley Island Marina.
- c. Consideration of travel expenses and registration fees for the District's Director of Conservation to attend California Rapid Assessment Training, June 22-24, 2009 in Napa, CA.

11. Administrative and Emergency Permits

12. EXECUTIVE CLOSED SESSION-PURSUANT TO AND INVOLVING THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTIONS 54956.5, 54953 et. Seq., 54956.8, 54956.9, 54956.95, 54957, 54957.1, 54957.6, and 54957.7 as follows:

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s):

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: The real property owned by the Humboldt Bay Harbor, Recreation, and Conservation District and leased or may be leased to third parties presently and in the future and subject to re-negotiation or amendments concerning price or payment or both including but not limited to the following: South Bay Marina; Fields Landing; Stanwood Murphy, Jr.; Woodley Island Marina Slip Rentals and Upland Rentals; Louisiana-Pacific Corporation; Nylander property; Simpson Timber Company; Coast Seafoods Company; Humboldt Yacht Club; Kuiper Mariculture Aquaculture Terminal tidelands lease; Kuiper Mariculture tideland leases; Humboldt Bay Oyster Company; Sera Group; Shelter Cove recreational property; Yomtob Shelter Cove property; Hungry U Restaurant, Inc. AKA Cafe Marina; Evergreen Pulp; Freshwater Pulp; Redwood Dock property; potential sale/lease of Samoa Shops property; Marios Marina; Security National Corporation;

Sequoia Investments; CUE IV; Santa Maria Shipping Company; and Simpson Samoa Company.

Negotiating parties: David Hull, Chief Executive Officer; Paul Brisso, District Counsel and Mark Wetzel, District Treasurer.

Under Negotiation:

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pacific Coast Federation of Fishermen Association; Humboldt Bay Harbor, Recreation and Conservation District, et. al. Vs. United States Bureau of Reclamation, United States District Court Case No. C02-2006.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

a. Claims of Manson/Bean Stuyvesant against US Army Corps of Engineers, (Humboldt Bay Harbor, Recreation and Conservation District contracting party with Corps of Engineers), Humboldt Bay Improvement Project dredge; Badgley – Yankee Girl tenancy/anchorage; Tab Bersuch.

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Initiation of litigation pursuant to subdivision (c) of Section 94596.9: One or more.

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with:

PUBLIC EMPLOYEE APPOINTMENT

Title:

PUBLIC EMPLOYMENT

Title:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title:

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

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,

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Recreation, and Conservation District, including International Longshore and Warehouse Union, Local #14A.

Unrepresented employee:

(g) With respect to closed session called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

REPORT INVOLVING TRADE SECRET

Discussion will concern: Proposed new service, program or facility

Estimated date of public disclosure:

HEARINGS

Subject matter:

13. ADJOURNMENT

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

May 14, 2009

PRESENT:

Commissioner Curless
Commissioner Pellegrini
Commissioner Wilson
Commissioner Higgins
Commissioner Hunter

The Closed Session was called to order at 6:08 p.m. Closed Session adjourned at 6:40 p.m.

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

Melvin McKinney led those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: Status of negotiations with the Harbor District employee union and Real Property Negotiations regarding the Timber Heritage Association and Freshwater Pulp Leases. No action was taken.

PUBLIC COMMENT

Melvin McKinney reported PG&E will have a wave action meeting on May 18. He asked if PG&E had approached the Harbor District to discuss the project.

CONSENT CALENDAR

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

CEO REPORT

- ❖ 5/1: Installation of the current meter at Fairhaven dock has been completed. The meter will not only track currents but also will record any tsunami currents.
- ❖ Harbor District maintenance staff has been busy at Fields Landing Boat Yard.
- ❖ Maintenance staff went to Shelter Cove today to do the annual pre-fishing season maintenance repairs on the boat launch and fish cleaning station. This work is coordinated with the work done by the Resort Improvement District.
- ❖ 5/13: The Humboldt Bay Management Plan Advisory Committee met.
- ❖ 5/11: The first North Coast Local Interest Marine Protected Area Workgroup Meeting was held.
- ❖ 5/12-14: CEO chaired and coordinated the California Maritime Leadership Symposium held in Sacramento. President Hunter gave a presentation on the Humboldt Bay Harbor District and Commissioner Wilson also attended. As Chair of CMANC, CEO was presented a resolution congratulating CMANC on fifty years by Sen. Lowenthal.
President Hunter stated he was impressed with how knowledgeable the maritime industry is of Humboldt Bay and he said this is due to the CEO's presence at these meetings. He said the CEO has worked very hard and it has paid off throughout the State.

DISTRICT COUNSEL REPORT: None

STAFF REPORT

Director of Administrative Services reported she and Harbor District Clerk attended the California Maritime Leadership Symposium to staff the registration table and to assist the CEO and others.

COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ 5/19: PG&Es wave energy meeting will be held at the Wharfinger Building.
- ❖ 5/11: Attended the community MLPA work group meeting. A subsequent meeting will be held on June 1 at 3 p.m.; venue will be announced.
- ❖ 5/13: Attended the Humboldt Bay Management Plan Advisory Committee meeting; recreation was the topic. The next meeting will focus on harbor issues.
- ❖ Took the on-line class for ethics training on the Fair Political Practices Commission website and received her completion certificate.

Commissioner Curless:

- ❖ Attended the Fortuna High School scholarship dinner. He said \$20,000 in scholarships was awarded to several students.

Commissioner Wilson:

- ❖ Attended the California Maritime Leadership Symposium and reported on the valuable information he gleaned from several speakers and one-on-one conversations with other attendees.

Commissioner Higgins:

- ❖ Reported on the recent MLPA meeting, where there was wall-to-wall people. He said Commissioner Pellegrini chaired the highly productive meeting and there was consensus the process for determining areas of closure are not adequate and many are concerned with the outcomes. The next meeting will be held on June 1st.
- ❖ The Economic Development Committee meeting focusing on harbor and infrastructure needs was held on May 27th and was also very productive.

Commissioner Hunter:

- ❖ Reported on his participation at the California Maritime Leadership Symposium. He said the overall message of the symposium was all the California ports are ready and available to help each other. Many of the ports are facing the same issues as Humboldt Bay, but are expanding because there will be a need in the not too distant future. Commissioner Hunter complimented staff for their work at the symposium.

ADVISORY COMMITTEE REPORTS: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF RESOLUTION 2009-05 TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR OIL SPILL RESPONSE EQUIPMENT.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2009-05 TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR OIL SPILL RESPONSE EQUIPMENT. COMMISSIONER PELLEGRINI SECONDED.

CEO reported this grant would provide a storage trailer on Woodley Island for oil spill response equipment.

ROLL CALL VOTE WAS TAKEN:

Commissioner Pellegrini – Aye
Commissioner Curless – Aye
Commissioner Wilson – Aye
Commissioner Higgins – Aye
Commissioner Hunter - Aye

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF AGREEMENT WITH LES FERNANDES, DBA *FISH ON BAIT, TACKLE AND CHARTERS* TO OPERATE A CHARTER SPORTFISHING BUSINESS FROM WOODLEY ISLAND MARINA.

CEO reported the North Coast will be only place in the State for salmon fishing for ten days at the end of August. Many charter operators have called to inquire about moorage. CEO said staff has been working with the Convention and Visitors Bureau, Chamber of Commerce and Main Street on advertising for this event.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF FOR THE APROVAL OF AGREEMENT WITH LES FERNANDES, DBA *FISH ON BAIT, TACKLE AND CHARTERS* TO OPERATE A CHARTER SPORTFISHING BUSINESS FROM WOODLEY ISLAND MARINA. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF TRAVEL EXPENSES AND REGISTRATION FEES FOR THE DISTRICT'S DIRECTOR OF CONSERVATION TO ATTEND CALIFORNIA RAPID ASSESSMENT TRAINING, JUNE 22-24, 2009 IN NAPA, CA.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF TRAVEL EXPENSES AND REGISTRATION FEES FOR THE DISTRICT'S DIRECTOR OF CONSERVATION TO ATTEND CALIFORNIA RAPID ASSESSMENT TRAINING, JUNE 22-24, 2009 IN NAPA, CA. COMMISSIONER WILSON SECONDED.

CEO reported the District's Planner, Dr. Chad Roberts, has helped develop the wetlands monitoring system through grant funding. He said it was important for the District's Director of Conservation to also be trained.

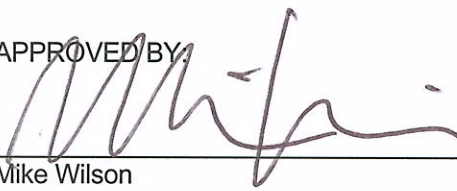
MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

CEO reported HSU is studying the effects of cord grass removal on macro invertebrate communities.


The Regular Meeting of the Board of Commissioners adjourned at 10:18 p.m.

APPROVED BY:



Mike Wilson
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services