

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

DATE: July 22, 2010
TIME: 6:00 p.m. 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.

Agenda for July 22, 2010 Board Meeting

AGENDA

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.

8. 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
 - a. Follow up to the District's IFQ letter, responses and process

9. Non Agenda

10. Unfinished Business

- a. Consideration of establishment of an aquaculture expansion committee.

11. New Business

- a. Consideration of approval of Resolution 2010-12 Ratifying the Amended and Restated Bylaws and JPA Agreement of ACWA Health Benefits Authority.
- b. Consideration of directing District Chief Executive Officer to prepare a letter supporting NCRA's efforts to remove billboards from NCRA's property.
- c. Consideration of approval of Resolution 2010-13 Approving the Grant of Funds from the State Coastal Conservancy in the Amount of \$30,655 to Complete a Specific Portion of Phase I of the Humboldt Bay Regional Invasive Spartina Project.
- d. Consideration of accepting for filing Permit No. 10-03 to Chevron Products Company for the Chevron Eureka Marine Terminal Abandoned Shed Demolition project.
- e. Consideration of Sixth Extension and Amendment of Agreement with the International Longshore and Warehouse Union AFL-CIO, Local 14, Unit A.
- f. Consideration of approval of arrangement with Access Humboldt for the purchase and installation of equipment to televise District Board meetings.
- g. Consideration of directing District Chief Executive Officer to prepare a letter of supporting Chad Roberts application to serve on BLM's Northwest California Resource Advisory Council.

13. Administrative and Emergency Permits

14. ADJOURNMENT

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

July 22, 2010

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

ABSENT:

None

President Curless called the Executive Closed Session to order at 6:02 p.m. District Counsel attended by telephone.

President Curless adjourned the Executive Closed Session to order at 6:40 p.m.

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

President Curless asked Commissioner Marks to lead those present in the Pledge of Allegiance. Commissioner Marks thanked him for the honor.

In District Counsel's absence, CEO reported on the Executive Closed Session as follows: Status of negotiations with the Harbor District labor union – No action was taken.

PUBLIC COMMENT

Andy Colonna reminded the Board of Commissioners to speak loudly and clearly in order for the recording to be successful. He also asked the Board to remember to be polite in their opinions about issues and towards each other.

David Elsebusch said he thought the Board was receiving a monthly listing of Accounts Payable checks written, but had not seen a list for a couple of months. It was noted the lists were being received.

Mr. Elsebusch also said he didn't appreciate someone telling him how he should behave in a public meeting; he said it is the right of the individual to say what he wants and how he wants. There can be conflicting views and opinions.

Alex Stillman, representing the Historical Sites Society of Arcata and unable to stay for the consideration of the agenda item, expressed her support of Agenda Item 11(b) regarding NCRA's efforts to remove billboards from NCRA's property.

Penny Elsebusch asked about the workers with weed eaters between Arcata and Eureka. Commissioner Wilson replied they are trying different ways to manage the *Spartina*, an invasive plant species.

CONSENT CALENDAR: None

CEO REPORT

- ❖ 7/9: CEO and Stephen Pepper met with Congressman Thompson and his staff regarding support for the Marine Highway and the TIGER grant submission.
- ❖ 7/13-14: Director of Maritime Commerce and CEO attended an AAPA TIGER II Workshop
- ❖ 7/15: CEO chaired the Harbor Safety Committee.

- ❖ 7/16: The bid opening was held for the Shelter Cove Breakwater Rehabilitation Project.
- ❖ 7/17: A fire on the West End of Indian Island was responded to by the Eureka Fire Department, Sheriff's Department, the Bar Pilots and other Harbor District staff.
- ❖ 7/20: CEO and Bob Simpson met with the Governor's Cabinet representatives at the request of the Governor's Office of Economic Development regarding potential funding for the pulp mill. CEO and Bob Simpson then met with Senator Boxer's staff, a meeting arranged by Sid Berg and David Borgeson.
- ❖ Rich Trygar, local representative for SSA Marine, is moving to Longview, WA after serving Humboldt Bay for many years. SSA Marine will continue to have a local presence and is looking for a replacement.
- ❖ Weather Buoy #22 is en route from Louisiana and will arrive mid-August. A buoy tender coming from Alaska will arrive to return #22 to its place.
- ❖ Within the next couple of weeks, a ship will arrive at Fairhaven Terminal to export logs.

STAFF REPORT: None

COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ Said she appreciated the letter to Congressman Thompson et al regarding the West Coast Hub-Feeder project.

Commissioner Wilson:

- ❖ Attended the NCRA meeting last week where they discussed removing the billboards from NCRA right-of-way.
- ❖ Stated it is good there is business happening in Humboldt Bay, but exporting logs could cause more problems for the mill and power plant closures due to exporting local natural resources.

Commissioner Higgins:

- ❖ Attended the Friends of the Eel River Retreat where they discussed the many invasive fish species.

Commissioner Marks:

- ❖ Said he agrees with Commissioner Wilson that it is too bad the community is pushed into a situation where raw resources are exported.
- ❖ Thanked David Elsebusch for writing the articles in the Times-Standard on the local stock car races.

Commissioner Curless:

- ❖ The Fortuna Rodeo was a success – once again. Next year will mark the 90th Fortuna Rodeo.

ADVISORY COMMITTEE REPORTS

Commissioner Marks:

- ❖ Said the negotiations with the District's employee union are ongoing.

Commissioner Wilson:

- ❖ Attended a meeting with the local private terminal operators regarding the air quality regulations. Director of Maritime Commerce is putting together a report for the committee.

OTHER

Follow up to the District's IFQ letter, responses and process

Commissioner Higgins reported comments regarding the IFQ's (Individual Fishing Quotas) were submitted by the District and he submitted comments individually to NOAA. Commissioner Higgins is concerned because there are large areas of ocean shut to fishing in response to conservation challenges. He suggested a workshop or symposium be organized so there is education in advance of the unintended consequences.

Commissioner Pellegrini said Commissioner Higgins is asking for a revisit to an issue that is six years old and has already been addressed.

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION ESTABLISHMENT OF AN AQUACULTURE EXPANSION COMMITTEE.

Commissioner Wilson reported he spoke with Ted Kuiper and Mitch White about forming a committee. He said the alternative to the committee idea is to sponsor a workshop. He will update the Board as to the progress of either idea.

NEW BUSINESS

A. CONSIDERATION APPROVAL OF RESOLUTION 2010-12 RATIFYING THE AMENDED AND RESTATED BYLAWS AND JPA AGREEMENT OF ACWA HEALTH BENEFITS AUTHORITY.

Director of Administrative Services explained in the past the ACWA Health Benefits Authority (ACWA HBA) Board of Directors consisted of members from a variety of backgrounds. In order to give the member agencies more of a voice, ACWA HBA amended their Bylaws to change the makeup of the Board to member agency representatives. This requires amending their Bylaws and the JPA Agreement with the member agencies.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2010-12 RATIFYING THE AMENDED AND RESTATED BYLAWS AND JPA AGREEMENT OF ACWA HEALTH BENEFITS AUTHORITY. COMMISSIONER WILSON SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF DIRECTING DISTRICT CHIEF EXECUTIVE OFFICER TO PREPARE A LETTER SUPPORTING NCRA'S EFFORTS TO REMOVE BILLBOARDS FROM NCRA'S PROPERTY.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF DIRECTING DISTRICT CHIEF EXECUTIVE OFFICER TO PREPARE A LETTER SUPPORTING NCRA'S EFFORTS TO REMOVE BILLBOARDS FROM NCRA'S PROPERTY. COMMISSIONER WILSON SECONDED.

CEO reported NCRA's attorney, Chris Neary, suggested a letter of support from the Harbor District would be helpful to NCRA.

Commissioner Wilson stated in 2004 the NCRA Board voted to not renew leases for billboards. The tenant, CBS Outdoor advertising, refuses to vacate the property and continues to receive revenue for the advertising. NCRA will file a lawsuit to require CBS to remove the billboards in NCRA's right of way. Letters of support have been written by City of Arcata, County of Humboldt, Sierra Club, Timber Heritage Association, Keep Eureka Beautiful, CalTrans and many others.

David Elsebusch asked if the Harbor District has jurisdiction overriding the landowners and if so, the letter of support for the tenant's vacation should be adamant.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF RESOLUTION 2010-13 APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL CONSERVANCY IN THE AMOUNT OF \$30,655 TO COMPLETE A SPECIFIC PORTION OF PHASE 1 OF THE HUMBOLDT BAY REGIONAL INVASIVE SPARTINA PROJECT.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2010-13 APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL CONSERVANCY IN THE AMOUNT OF \$30,655 TO COMPLETE A SPECIFIC PORTION OF PHASE 1 OF THE HUMBOLDT BAY REGIONAL INVASIVE SPARTINA PROJECT. COMMISSIONER WILSON SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 10-03 TO CHEVRON PRODUCTS COMPANY FOR THE CHEVRON EUREKA MARINE TERMINAL ABANDONED SHED DEMOLITION PROJECT.

COMMISSIONER HIGGINS MOVED FOR ACCEPTING FOR FILING PERMIT NO. 10-03 TO CHEVRON PRODUCTS COMPANY FOR THE CHEVRON EUREKA MARINE TERMINAL ABANDONED SHED DEMOLITION PROJECT. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF SIXTH EXTENSION AND AMENDMENT OF AGREEMENT WITH THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION AFL-CIO, LOCAL A4, UNIT A.

This item was tabled.

F. CONSIDERATION OF APPROVAL OF ARRANGEMENT WITH ACCESS HUMBOLDT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT TO TELEVISION DISTRICT BOARD MEETINGS.

Commissioner Higgins said he feels the Harbor District is slipping out of the public's view and losing vitality. He said the cost is substantial, but would help with public participation.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ARRANGEMENT WITH ACCESS HUMBOLDT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT TO TELEVISION DISTRICT BOARD MEETINGS. COMMISSIONER MARKS SECONDED.

Commissioner Wilson said he respectfully disagrees with Commissioner Higgins. He said the current system, operated by Andy Colonna, draws much public participation, even though a better quality recording would be nice. Commissioner Wilson said the proposal is out of the ballpark of affordability. He suggested more research be done.

Commissioner Pellegrini stated the Board is constantly reminded by Commissioner Higgins how close he perceives the District is to bankruptcy and she said she cannot pass the "red face" test with this expenditure. It is a frivolous expense and should be put on the wish list for when the economy improves.

Commissioner Marks said prior to being elected to the Board he spoke during Public Comment about what a good idea it is to televise the Board meetings, but not at this level.

Andy Colonna suggested the Harbor District purchase a better digital camera.

David Elsebusch said there is no one other than he and his wife in the audience for this meeting. There is only mundane items on the agenda. He suggested postponing this purchase because no one will sit home to watch the District's Board meetings.

Commissioner Wilson suggested he and Commissioner Marks and Andy Colonna research an improved process and equipment and return to the Board with a recommendation. President Curless appointed Commissioners Wilson and Marks to work with Mr. Colonna on this issue.

Penny Elsebusch suggested maybe other groups would want to rent the meeting room, which would increase revenue.

COMMISSIONER HIGGINS WITHDREW HIS MOTION AND SAID HE WILL PURSUE OTHER OPTIONS.

Commissioner Higgins asked for this item to be an agenda item for the next meeting and said the item can be tabled if not ready for discussion.

G. CONSIDERATION OF DIRECTING DISTRICT CHIEF EXECUTIVE OFFICER TO PREPARE A LETTER SUPPORTING CHAD ROBERTS APPLICATION TO SERVE ON BLM'S NORTHWEST CALIFORNIA RESOURCE ADVISORY COUNCIL.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF DIRECTING DISTRICT CHIEF EXECUTIVE OFFICER TO PREPARE A LETTER SUPPORTING CHAD ROBERTS APPLICATION TO SERVE ON BLM'S NORTHWEST CALIFORNIA RESOURCE ADVISORY COUNCIL. COMMISSIONER HIGGINS SECONDED.

David Elsebusch asked why there would be no fiscal impact when Dr. Roberts is paid an hourly wage for work done for the Harbor District. CEO responded Dr. Roberts is not representing the Harbor District in this instance.

MOTION CARRIED WITHOUT DISSENT.

H. CONSIDERATION OF DECLARING GRANITE CONSTRUCTION COMPANY LOW BIDDER FOR THE SHELTER COVE BREAKWATER REHABILITATION PROJECT AND AWARD BID TO GRANITE CONSTRUCTION COMPANY FOR THE AMOUNT OF \$516,128 INCLUDING BID ALTERNATE 1.

President Curless passed the gavel to Vice President Wilson.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF DECLARING GRANITE CONSTRUCTION COMPANY LOW BIDDER FOR THE SHELTER COVE BREAKWATER REHABILITATION PROJECT AND AWARD BID TO GRANITE CONSTRUCTION COMPANY FOR THE AMOUNT OF \$516,128 INCLUDING BID ALTERNATE 1. COMMISSIONER HIGGINS SECONDED.

CEO reported six bids were received and this bid is approximately \$500,000 less than the engineer's estimate. The engineering firm of Moffitt & Nichol are overseeing the project. The work has to be done in 180 days anytime between September 15, 2010 and May 25, 2011.

Commissioner Curless expressed his delight at the progress of the project.

David Elsebusch asked where the funding is coming from. CEO stated the Harbor District received a grant from Department of Boating and Waterways.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None


The Regular Meeting of the Board of Commissioners adjourned at 8:16 p.m.

APPROVED BY:



Richard Marks
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services

**ADDENDUM TO
A G E N D A
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

DATE: July 22, 2010

TIME: 7:00 p.m.

PLACE: Woodley Island Marina Meeting Room

11. New Business

- h. Consideration of Declaring Granite Construction Company low bidder for the Shelter Cove Breakwater Rehabilitation Project and Award Bid to Granite Construction Company for the amount of \$516,128 including Bid Alternate 1