

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

DATE: July 23, 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 Sections 54957.6 (conference with real property negotiator) and 94957 (public employee performance evaluation):

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. Public Employee Performance Evaluation

Title: Chief Executive Officer

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 June 11, 2009 Board Meeting.
- b. Approval of minutes from the June 22, 2009 Board Meeting.
- c. Approval of minutes from the July 9, 2009 Board Meeting.
- d. Consideration of approval of Agreement and Fourth Amendment to Lease with Fresh Freeze Supply, Inc
- e. Consideration of approval of Amendment No. 1 to Permit 03-03 to California Department of Fish and Game for the removal and disposal of *Zostera japonica*

8. 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

9. Non Agenda

10. Unfinished Business

11. New Business

- a. Consideration of appointment of two District Commissioners to serve on the Redwood Marine Terminal Modernization Project Environmental Documentation Request for Qualifications Review Team.
- b. Consideration of letter to Senator Wiggins requesting CalPERS financial support for Freshwater Tissue Company.

10. Administrative and Emergency Permits

11. ADJOURNMENT

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

July 23, 2009

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Hunter

President Hunter called Closed Session to order at 6:03 p.m. Closed Session adjourned at 6:55 p.m. to reconvene after the Regular Meeting.

President Hunter called the regular meeting of the Board of Commissioners to order at 7:04 p.m.

President Hunter led those present in the Pledge of Allegiance.

President Hunter asked for a Moment of Silence to honor two local law enforcement officers, Ben Nord and Butch Manos, who passed away recently.

District Counsel reported on Closed Session. Penny Hickey, representing the Harbor District's employee union, spoke to the Board of Commissioners. No action was taken on this item. The personnel evaluation of the Harbor District's CEO was not completed. Closed Session would reconvene after the Regular Meeting, time permitting.

PUBLIC COMMENT

Pete Oringer, Timber Heritage Association (THA), reported successful trial runs of the Speeder car were done over the weekend on the railroad tracks near the Roundhouse property in Samoa. He said the association members rode the car, hoping to make rides available to the public next weekend. THA has filled the Roundhouse with engines, preserving and highlighting 100 years of timber heritage, which they would like to make available to the public. He suggested the Board of Commissioners tour the facility.

Mr. Oringer said THA had permission from NCRA to use the tracks and their right of way, but there was concerns of liability expressed to NCRA and the Public Utilities Commission by one of the Harbor District Commissioners. Commissioner Wilson said his concern was in regards to the Harbor District's liability. District Counsel stated there was no issue of liability for the Harbor District because the operations were not on District property.

CONSENT CALENDAR

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

CEO REPORT

- ❖ Director of Conservation has been attending MLPA events, PG&E wave energy meetings and finalizing the letter to Mike Chrisman of the California Resources Agency signed by 13 public agencies in Del Norte, Mendocino and Humboldt counties outlining concerns about the MLPA process.
- ❖ Recent *Spartina* eradication grant was not funded. Out of 814 applications, only 50 were funded. Director of Conservation is assisting other public agencies with other grant opportunities for *Spartina* eradication.
- ❖ Received award letter for \$2.5 million port security grant. Bar Pilots are working with Eureka Fire Department to put together specifications for a new fire boat. CEO stated the first purchase will be of a smaller item to see how the process for reimbursement functions.
- ❖ Working with Will Edington, Washington DC lobbyist, and Director of Maritime Commerce on the Federal Transportation Bill.

- ❖ Director of Maritime Commerce and CEO have been meeting with potential responders to the Redwood Marine Terminal Request for Qualifications. The deadline is July 31 and 4:00 p.m.
- ❖ Summer SeaGrassNet eelgrass collections ended today. Bar Pilot John Powell operated the District's pontoon boat for the twice-a-year project.
- ❖ 6/27: An Army National Guard 174' LCU delivered historic lifeboats to the local Air and Sea Museum.

DISTRICT COUNSEL REPORT

District Counsel reported the current Timber Heritage Association (THA) agreement with the Harbor District is for storage of the engines only. THA would like to begin public tours of the facility. District Counsel will provide a new agreement for the Board's consideration in the near future.

STAFF REPORT: None

COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ Asked why her Woodley Island Marina tenant notice stated the rent increase approved in the 2009/10 Budget was effective August 1 and not July 1. CEO responded the Harbor District is required to give the tenants 30 days notice prior to any rate increase.
- ❖ Stated during the Budget discussions she vowed to return her Commissioner's Fees. Commissioner Pellegrini returned her check to Director of Administrative Services.
- ❖ Noted the Pilot of the vessel *Cosco Buson* was sentenced to ten months in prison for piloting the vessel into the San Francisco Bay Bridge.
- ❖ Submitted a guest editorial to the local media regarding the MLPA and her work on the North Coast Local Interest Work Group.
- ❖ Reported Captain Phil Harris from the television show "Deadliest Catch" will be here September 11 to raise funds for a local resident with cancer.

Commissioner Curless:

- ❖ Reported Director of Conservation made a presentation on the MLPA to the Fortuna City Council.
- ❖ Stated the Fortuna Rodeo was once again a success.
- ❖ The Auto Expo will be this weekend in Fortuna.

Commissioner Wilson:

- ❖ Spoke at the Arcata Rotary. President Hunter said he received reports Commissioner Wilson made an excellent presentation.
- ❖ Attended the MLPA Open House. He said there was good information available.

Commissioner Higgins:

- ❖ Spent a week in the Marble Mountains on vacation.
- ❖ Rode on the Speeder and toured the engines in the Roundhouse.
- ❖ Spoke about PG&Es wave energy project.

Commissioner Hunter:

- ❖ 7/27: Will be conducting water sample testing at Trinity Lake. Research is being done to see if the lake can support invasive mussels, such as the ones creating problems at Ruth Lake. If it is found these mussels are a problem at Trinity Lake, boats will be inspected prior to launch.
- ❖ 7/26: Wrote an article for Business Sense in the Times-Standard about customer communication.

ADVISORY COMMITTEE REPORTS

Commissioner Hunter:

- ❖ Reported he and Commissioner Pellegrini continue their discussions with the employee labor union.

Commissioner Higgins:

- ❖ Reported he also attended the MLPA Open House.
- ❖ Stated he attended a MLPA meeting today. Thirteen North Coast government agencies from Oregon to Fort Bragg signed the MLPA concern letter and it was sent on July 20, 2009.
- ❖ The next Harbor District Economic Development meeting will focus on tourism opportunities and will be held on July 29.

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF APPOINTMENT OF TWO DISTRICT COMMISSIONERS TO SERVE ON THE REDWOOD MARINE TERMINAL MODERNIZATION PROJECT ENVIRONMENTAL DOCUMENTATION REQUEST FOR QUALIFICATIONS REVIEW TEAM.

Commissioner Pellegrini suggested President Hunter and Commissioner Curless be appointed. Commissioner Curless respectfully declined participation.

President Hunter said he would serve on the committee and asked Commissioner Wilson if he would also like to serve on the committee. Commissioner Wilson agreed he would.

B. CONSIDERATION OF LETTER TO SENATOR WIGGINS REQUESTING CALPERS FINANCIAL SUPPORT FOR FRESHWATER TISSUE COMPANY.

Commissioner Higgins said he feels Freshwater Tissue Company has a sound business plan and the demand for their product should remain strong. Jobs will be created and the region will benefit.

Bob Simpson, owner of Freshwater Tissue Company, said he appreciates the support from the Harbor District – it couldn't come at a better time. He said regardless of what happens, he is not going to give up on the site, the port, and shipping opportunities. He asked the letter be sent to Governor Schwarzenegger and Speaker Karen Bass. Mr. Simpson said this issue is not party-specific, but beneficial to all.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL TO SEND A LETTER TO SENATOR WIGGINS, GOVERNOR SCHWARZENEGGER AND SPEAKER BASS REQUESTING CALPERS FINANCIAL SUPPORT FOR FRESHWATER TISSUE COMPANY. COMMISSIONER CURLESS SECONDED.

Commissioner Wilson commented Mr. Simpson's totality of vision of the environment and the economy is impressive.

MOTION CARRIED WITHOUT DISSENT.

Melvin McKinney said Mr. Simpson has the support of the Sierra Club. Mr. Simpson stated the environmental community has been extremely supportive.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:03 p.m.

The Board of Commissioners reconvened to Closed Session at 8:10 p.m.

The Closed Session of the Board of Commissioners adjourned at 9:20 p.m.

APPROVED BY:



Mike Wilson
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services