

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

**DATE:** August 11, 2011  
**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 July 14, 2011 Board meeting
- b. Consideration of approval of minutes from the July 14, 2011 Strategic Plan meeting.
- c. Consideration of approval of minutes from the July 28, 2011 Board meeting.
- d. Consideration of approval of minutes from the July 28, 2011 Strategic Plan meeting.
- e. Consideration of purchase of replacement pinion shaft for the Woodley Island Marina 2-ton hoist from Standard Electric Motor Service, INC. \$1,227.00
- f. Consideration of approval of one-year extension to Permit No. 08-03 to Coast Seafoods Company for cultivating oysters.
- g. Consideration of approval of one-year extension to Permit No. 09-06 to the City of Eureka for the restoration and enhancement of PALCO marsh.

**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 approval of Resolution 2011-13 Declaring one item as surplus property and for the sale of surplus property belonging to the Humboldt Bay Harbor, Recreation and Conservation District.
- b. Consideration of approval of Samoa Shops August 2011 Addendum for Timber Heritage Association.
- c. Consideration of Amendment 1 to TJS Leasing and Holding Company, Inc granting 180 day extension to their Exclusive Right to Negotiate.

**9. Administrative and Emergency Permits**

**10. Adjourn to Closed Session**

**11. Call Executive Closed Session to Order**

- a. **Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiator)**

- **Conference with Real Property Negotiator**

**Negotiating Parties: David Hull, Chief Executive Officer; Paul Brisso, District Counsel**

**Under Negotiation:**

- 1) **Potential lease terms for District property acquisition from Pacific Gas and Electric Company.**
- 2) **Potential lease terms of property to Timber Heritage Association.**
- 3) **Potential lease terms of District property to TJS Leasing and Holding Company, Inc.**
- 4) **Potential lease terms of District property to Taylor Mariculture, Inc.**
- 5) **Potential lease terms of District property to Freshwater Tissue Company**

**12. Adjourn Executive Closed Session**

**13. Call to Order Regular Session**

**14. Report on Executive Closed Session**

**15. Adjournment**

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

**DATE: August 11, 2011**

**TIME: 7:00 p.m.**

**PLACE: Woodley Island Marina Meeting Room**

**8. New Business**

- d. Consideration of revisions to District Personnel Policies.

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

**August 11, 2011**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Higgins  
Commissioner Marks

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

President Wilson asked David Hunt, Association of Pacific Ports, to lead those present in the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

Commissioner Pellegrini asked for Item (c) to be pulled for further discussion.

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

Item (c): Commissioner Pellegrini made a correction to her Commissioner Report of July 28.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF ITEM (C) OF THE CONSENT CALENDAR WITH THE PROPOSED CORRECTION. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- ❖ 8/4: Commissioner Pellegrini, CEO and Supervisor Smith met with PG&E representatives on the King Salmon Canal dredging project. PG&E presented a draft permit schedule with a completion of the permitting slated for early Spring 2012.
- ❖ 8/4: Dockmaster, CEO, and representatives of Timber Heritage Association (THA) and Clarke Museum met to discuss THA's August 27 fundraiser. THA said they have received their Alcohol Beverage Control and County Environmental Health permits. Parking and security was discussed. Dockmaster will tour the event area on August 27 at 10 a.m. to confirm compliance of all District conditions.
- ❖ 8/10: Commissioner Wilson, CEO and Mike Kellogg of THA met to discuss THA's fundraiser, lease amendment and ERTN for the Samoa Shops property.
- ❖ 8/10: CEO met with representatives from Noyo Harbor, Crescent City Harbor District, SHN Consulting Engineers and Winzler & Kelly to discuss similar permitting issues for dredge disposal sites with the Regional Water Quality Control Board (RWQCB). Solutions discussed ranged from meeting with RWQCB staff to changing State law.  
Commissioner Pellegrini suggested it might be helpful to get legislators involved. CEO stated that is a good idea, but thought the time to approach them would be better when the committee has a plan. RWQCB wants to require a new permit, but that is inconsistent with past practice. President Wilson appointed Commissioners Pellegrini and Curless as the Upland Dredge Disposal Site committee to work with staff.
- ❖ CEO reported the District maintenance staff is currently rebuilding the west end of A-dock.
- ❖ City of Eureka's Fisherman's Terminal dedication will be September 1 at 2 p.m. President Wilson will be asked to speak; Commissioner Marks as Vice-President will speak if President Wilson is

unavailable. CEO stated a resolution will be presented for the Board's consideration at the next Board meeting.

**DISTRICT COUNSEL REPORT: None**

**STAFF REPORT: None**

**COMMISSIONERS AND ADVISORY COMMITTEE REPORTS**

Commissioner Pellegrini:

- ❖ Participated in the PG&E King Salmon Canal dredging project meeting.
- ❖ Asked when the water on E-dock will be turned on. CEO stated maintenance is waiting for the glue to set; should be tomorrow.
- ❖ Stated the abandoned vessels in the marina are an indicator of the economic times. She referred to an AP news article about abandoned vessels.

Commissioner Wilson:

- ❖ Participated in the August 10 meeting with THA representatives and CEO.
- ❖ Took a backpacking trip through Caribou wilderness and then spent a week on the Trinity River.

Commissioner Higgins:

- ❖ Fished for spring Chinook on Salmon River.
- ❖ Filed papers for 5<sup>th</sup> Division Candidate.

Commissioner Marks:

- ❖ Reported the mama whale and baby in the mouth of the Klamath River have been quite an attraction. He said he witnessed this on his way to Grays Harbor, WA. Commissioner Marks also noted pulp mill in Grays Harbor purchased by Evergreen Pulp is currently operating.

**OTHER**

Dave Hunt, Executive Director of Association of Pacific Ports, told the Board his organization focuses on building cross-Pacific trade relationships, benefits of successes/failures and port Commissioners. There is no lobbying or advocating. APP conducts conferences and seminars on topics such as port security, board/staff relationships, community relations, environmental challenges, technology, infrastructure, building new cargoes, etc. APP does not take sides on issues; they are simply an information-sharing association. Mr. Hunt said he would like to have Port of Humboldt Bay as a member; dues would be approximately \$1,000 annually.

**NON-AGENDA: None**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS**

**A. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-13 DECLARING ONE ITEM AS SURPLUS PROPERTY AND FOR THE SALE OF SURPLUS PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.**

CEO reported when a vessel is abandoned and becomes District property, a Board resolution declaring the vessel surplus property must be passed prior to the vessel being sold through a bid process.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2011-13 DECLARING ONE ITEM AS SURPLUS PROPERTY AND FOR THE SALE OF SURPLUS PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER MARKS 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 APPROVAL OF SAMOA SHOPS AUGUST 2011 ADDENDUM FOR TIMBER HERITAGE ASSOCIATION.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF SAMOA SHOPS AUGUST 2011 ADDENDUM FOR TIMBER HERITAGE ASSOCIATION. COMMISSIONER PELLEGRINI SECONDED.

District Counsel reported Timber Heritage Association feels they are running out of viable improvement projects in order to pay for their lease and want to do improvements on other buildings that are not in their current lease area. THA was given interim staff approval after consulting with Commissioners Wilson and Higgins, but this item allows the formal agreement to be approved. The addendum specifies THA can do improvements for credit on their lease, but cannot occupy the additional area.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF AMENDMENT 1 TO TJS LEASING AND HOLDING COMPANY, INC. GRANTING 180 DAY EXTENSION TO THEIR EXCLUSIVE RIGHT TO NEGOTIATE.**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF AMENDMENT 1 TO TJS LEASING AND HOLDING, INC. GRANTING 180 DAY EXTENSION TO THEIR EXCLUSIVE RIGHT TO NEGOTIATE. COMMISSIONER CURLESS SECONDED.

CEO reported the original ERTN is for a six-month duration and TJS is experiencing permitting delays, therefore asking for an extension.

Jeff Cyphers of TJS Leasing and Holding, Inc. stated they have hired several engineering firms, talked with construction firms, doing their due diligence, but it all takes more time than the ERTN would allow. Commissioner Marks asked him for his best guess on a timeline. Mr. Cyphers replied that identifying

where the dredge spoils will be taken is taking additional time and the time frame for permitting through other regulatory agencies is unknown. He said he is hoping April or May 2012 is when they will be operational.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF REVISIONS TO DISTRICT PERSONNEL POLICIES.**

Commissioner Marks reported the agenda report provided to the Board includes some changes to the Personnel Policies regarding union issues and includes some additional management requests. He said he would've like to have had the discussion under Closed Session.

District Counsel stated unfortunately the Brown Act does not provide Closed Session for this type of discussion. If the discussion concerns a specific employee under contract and the Board wants to evaluate or give a raise to that employee, then a Closed Session discussion would be allowed.

Commissioner Pellegrini said she thought usually the District Counsel, not staff, presented these types of changes to the Board; and she asked District Counsel if the proposed changes to the Personnel Policies reflect the union contract.

District Counsel stated he did not feel the staff recommendations were included in the union contract.

President Wilson asked if he should assign a subcommittee of the Board to work with District Counsel on updating the District's Personnel Policies.

Commissioner Marks said now that the union negotiations are completed, what is the process for unclassified employees.

District Counsel said the District Personnel Policies apply to all employees, union or not, unless the contractual terms of the union are contradictory and then the union agreement takes precedence. He asked if the Board wants to set a policy for the Personnel Policies to mirror the union contracts; it is not required, but can be at the Board's discretion. He said the Board would need to establish a process to review both the union contract and the Personnel Policies and propose amendments.

It was decided two Commissioners and District Counsel would review both documents and make recommendations to the full Board.

Commissioner Higgins said since he did not have both documents to review, he would like a tabular format for the staff recommendations. President Wilson said he thought that was what the intention was of staff's agenda report.

Commissioner Pellegrini said the Board will make the decision on how to treat both groups of employees. Management employees should be under contract with terms. President Wilson said he agreed and management employees should have annual renewals.

President Wilson appointed Commissioners Pellegrini and Marks to work with District Counsel and return to the Board with recommendations.

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

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Board of Commissioners adjourned to Executive Closed Session at 8:13 p.m.

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President Wilson adjourned the Executive Closed Session at 8:40 p.m.

President Wilson called to order the Regular Meeting of the Board of Commissioners at 8:41 p.m.

CEO reported the Executive Closed Session as follows: Conference with Real Property Negotiator regarding potential lease terms of District property to Timber Heritage Association, potential lease terms of District property to TJS Leasing and Holding Company, potential lease terms of District property to Taylor Mariculture, Inc. and potential lease terms of District property to Freshwater Tissue Company – No action taken.

The Regular Meeting of the Board of Commissioners was adjourned at 8:42 p.m.

APPROVED BY:

  
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Ronnie Pellegrini, Secretary

RECORDED BY:

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