

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

DATE: February 14, 2013

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 24 hours 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 54956.8 (Conference with Real Property Negotiator)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Jack Crider, Chief Executive Officer

Under Negotiation:
 - ❖ Freshwater Tissue Company property purchase negotiations
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 Session**
6. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the 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 any 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 for each speaker 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. Consideration of approval of minutes from the December 13, 2012 Board meeting.
- b. Consideration of approval of minutes from the January 10, 2013 Board meeting

Agenda for February 14, 2013 Regular Board Meeting

8. Communications and Reports

- a. Chief Executive Officers Report
- b. Staff Reports
- c. District Counsel's and District Treasurer's Reports
- d. Commissioner and Committee Reports
- e. Other

9. Non Agenda

10. Unfinished Business

11. New Business

- a. Consideration of Harbor Maintenance Trust Fund Bill support letter.
- b. Consideration of authorizing Chief Executive Officer to sign Notice of Merger from Samoa Properties Inc. to California Redwood Company.
- c. Consideration of adoption of Resolution 2013-01, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2013.
- d. Consideration of adoption of Resolution 2013-02, A Resolution to Borrow Monies and Pledge Personal Property as Collateral.
- e. Consideration of a letter expressing interest in the "Alternative Rail Route Feasibility Study" proposal.
- f. Consideration of approval of travel expenses for Board President Wilson and CEO Crider to travel to Washington DC to meet with Legislators and Agency representatives.
- g. Consideration of approval of travel expenses for Board President Wilson to attend the April 17, 2013 Association of Pacific Ports Spring Fly-In "Building Sustainable Ports" in Seattle, WA.

12. Administrative and Emergency Permits

13. Adjournment

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

February 14, 2013

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:02 p.m.

President Wilson adjourned the Executive Closed Session at 6:56 p.m.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:05 p.m.

District Counsel reported on the Executive Closed Session as follows: Freshwater Tissue Company property purchase negotiations – Board unanimously approved CEO Crider to sign the non-binding letter of intent with Freshwater Tissue Company upon District Counsel's review and approval.

President Wilson asked Marian Brady to lead those present in the Pledge of Allegiance.

PUBLIC COMMENT: None

CONSENT CALENDAR

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

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Reported he received a letter from the District's employees' union requesting to begin negotiations for the next contract period. CEO said he would begin the negotiations; a Board committee will be assigned once the items to be negotiated are determined.
- ❖ Met with LACO representatives on the status of the Samoa Industrial Waterfront Transportation Access Plan. The project is coming in under budget; the remaining funds may be used for rail economic modeling if so approved by CalTrans.

STAFF REPORT

Director of Administrative Services

- ❖ Reported new marina software is being researched; upgraded office phone system is installed.

Bar Pilot Captain Tim Petrusha

- ❖ Met with Colonel Baker, US Army Corps of Engineers, and discussed concerning issues, i.e. shoaling in Humboldt Bay.
- ❖ 2/22: a cruise ship is expected to dock at Schneider Dock.
- ❖ Stated California Redwood Company has made positive statements about their chip dock repair and how shipping in Humboldt Bay will be enhanced.

DISTRICT COUNSEL REPORT: None

DISTRICT TREASURER REPORT: None

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Dale

- ❖ Reported the RV Park Committee met earlier today and discussed language changes to the City's municipal code. The language changes would support commercial fishing and allow conditional uses on Woodley Island.

Commissioner Wilson

- ❖ Met with Freshwater Tissue Company representatives on negotiations for purchase of the property.

Commissioner Marks

- ❖ Wished his wife Robin a Happy Valentine's Day – their 38th Valentine's Day together.

Commissioner Higgins

- ❖ Stated the RV Park Committee meeting was very productive.
- ❖ Attended a productive meeting on the Monitoring Enterprise in Fort Bragg.

OTHER

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

COMMISSIONER HIGGINS MOVED TO MOVE NEW BUSINESS AGENDA ITEM E TO THE BEGINNING OF THE NEW BUSINESS SECTION. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF A LETTER EXPRESSING INTEREST IN THE "ALTERNATIVE RAIL ROUTE FEASIBILITY STUDY" PROPOSAL.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF A LETTER EXPRESSING INTEREST IN THE "ALTERNATIVE RAIL ROUTE FEASIBILITY STUDY" PROPOSAL, INCLUDING SOME EDITS. COMMISSIONER HIGGINS SECONDED.

The letter was written by the Board's Rail Committee and supports the position of prioritizing an economic analysis of an alternative rail route.

Monte Provolt stated he is an East-West rail advocate. He said he is glad to see the Board supports the general concept the Upstate Rail Connect Committee is working towards; however, he would have preferred a letter of support for the East-West Rail Feasibility Study. The proposed letter suggests the implementation of one part of the study before the other, meaning a capital, market and operational cost model to use for the study before analyzing the environmental, geotechnical, jurisdictional and engineering pieces. Mr. Provolt said it is important to remain objective and independent when conducting the study. All stakeholders have their opinion of what first to study. He also said the comparison of the East-West rail to the North-South line is not valid; the new railroad would be an extension of our deep-water port connecting the Pacific Rim through Humboldt Bay directly to the National rail system.

Debbie Provolt said a preliminary study will be less effective than the one being proposed by the East-West Rail advocates. She stated that a study to determine the best route should be done before the study to determine who will use the rail because you cannot look at who will use the rail until you know where the rail will be.

Captain Tim Petrusha, Bar Pilot, thanked the Board of Commissioners for considering a study of the rail. He said the industrial part of Humboldt Bay does not work well without the rail. The rail would open up opportunities for shippers.

Marion Brady, Eureka City Council, said Sun Valley Bulb Farm imports bulbs from Europe. They are shipped to Oakland and trucked to Humboldt County at a great cost. If there was an East-West rail that connected directly with the valley, Sun Valley would save hundreds of thousands of dollars. She asked that the feasibility study consider geology, bridges, finances, etc.

Richard Lentz, Land Bridge Alliance, thanked the Board for showing interest in the alternative rail feasibility study.

Commissioner Higgins stated it would cost billions of dollars to build the East-West rail. The chief major export will be coal. He said he believes misleading information is being promoted.

Commissioner Marks said the Harbor District is the only public agency that will come forward to do a feasibility study, to put the money towards a study. He said the public should not be upset about what the District will spend to do a study, but to be supportive of the District's efforts.

Commissioner Wilson said the letter is a good compromise. The project cannot be done without going through the CEQA process. The North-South line is the District's reference point for the comments about the East-West rail.

Commissioner Dale said the District has always supported the rail efforts in this community. Everyone has the same general idea about the rail and there needs to be open discussion. He said it does not matter where the information comes from and at some point there is enough information to make the decision.

Commissioner Newman said this letter is necessary to express the Board's interest in this effort; it is a long road.

Commissioner Wilson suggested Commissioner Marks, as the Board's liaison, attend the Upstate Rail Connect meetings.

Pete Oringer said there is no information available yet to determine if the East-West rail is viable and he asked the Board to extend these feelings to any data-gathering efforts. He said the two rail lines, North-South and East-West, are like comparing apples to oranges. The East-West rail is a whole new venue/opportunity. We can learn from the positives and negatives of the North-South line. What happens with the Upstate Study has not bearing on the Harbor District. If the rail is important to the District, say that up front and support any data-gathering effort.

Commissioner Dale suggested the letter's first paragraph should refer to a connection to the national rail system.

MOTION CARRIED WITHOUT DISSENT.

A. CONSIDERATION OF HARBOR MAINTENANCE TRUST FUND BILL SUPPORT LETTER.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF THE HARBOR MAINTENANCE TRUST FUND BILL LETTER. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson stated the Bill says the State that has the most throughput will get the most harbor maintenance funds. The letter to Congressman Jared Huffman would state the Board of Commissioners' support for him to co-sponsor the Bill.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF AUTHORIZING CHIEF EXECUTIVE OFFICER TO SIGN NOTICE OF MERGER FROM SAMOA PROPERTIES INC. TO CALIFORNIA REDWOOD COMPANY.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF AUTHORIZING CHIEF EXECUTIVE OFFICERS TO SIGN NOTICE OF MERGER FROM SAMOA PROPERTIES INC. TO CALIFORNIA REDWOOD COMPANY. COMMISSIONER DALE SECONDED.

District Counsel reported the District's current lease is with Samoa Properties Inc. a wholly-owned subsidiary of California Redwood Company, the guarantor on the lease. The lease is now with California Redwood Company as the result of a merger on December 31, 2012.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-01, A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2013.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2013-01, A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2013. COMMISSIONER MARKS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-02, A RESOLUTION TO BORROW MONIES AND PLEDGE PERSONAL PROPERTY AS COLLATERAL.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF RESOLUTION 2013-02, A RESOLUTION TO BORROW MONIES AND PLEDGE PERSONAL PROPERTY AS COLLATERAL. COMMISSIONER DALE SECONDED.

Monte Provolt asked how a government agency could be allowed to pledge collateral that was purchased through a Homeland Security grant.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF APPROVAL OF TRAVEL EXPENSES FOR BOARD PRESIDENT WILSON AND CEO CRIDER TO TRAVEL TO WASHINGTON DC TO MEET WITH LEGISLATORS AND AGENCY REPRESENTATIVES.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF TRAVEL EXPENSES FOR BOARD PRESIDENT WILSON AND CEO CRIDER TO TRAVEL TO WASHINGTON DC TO MEET WITH LEGISLATORS AND AGENCY REPRESENTATIVES. COMMISSIONER MARKS SECONDED.

CEO reported the travel expenses should not exceed \$5,000. He and Commissioner Wilson will be meeting with Congressman Huffman, Senator Boxer, Congressman Thompson and many others.

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF APPROVAL OF TRAVEL EXPENSES FOR BOARD PRESIDENT WILSON TO ATTEND THE MARCH 2013 NATIONAL WORKING WATERFRONTS AND WATERWAYS SYMPOSIUM.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF TRAVEL EXPENSES FOR BOARD PRESIDENT WILSON TO ATTEND THE MARCH 2013 NATIONAL WORKING WATERFRONTS AND WATERWAYS SYMPOSIUM. COMMISSIONER HIGGINS SECONDED.

President Wilson will be presenting information on Humboldt Bay aquaculture.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:18 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Patricia Tyson
Director of Administrative Services